27576 N-28

THE

Regulations & Proclamations

OF

TRAVANCORE

Volume III.

1082-1091 M. E.

PUBLISHED BY PERMISSION OF THE
GOVERNMENT OF TRAVANCORE.

TRIVANDRUM :
'SRIDHARA' POWER PRESS.

1928.

(All rights reserved.)

V4412.T C4:4527

FOREWORD.

We have great pleasure in writing the Foreword to this Volume of the Regulations and Proclamations of Travancore. The need for a publication of this description is so manifest that it is hardly necessary to say much about it. The publication does not aim at a mere reproduction of the enactments in chronological order. In the case of the Amending Acts, the amendments are inserted in the original enactments in their appropriate places to make reference to the laws in force easy and convenient. Much waste of time and labour is saved to the public by the insertion in their proper places of the related Rules, Notifications, and Bye-laws issued by the Government, the Circulars and Rulings of the High Court, etc. The copious use made of the Statements of Objects and Reasons of the various Regulations as also the incorporation of the Case-law as expounded by the High Court, &c., enhance the utility and attractiveness of the publication and must amply facilitate an intelligent and thorough study of the Statutory law. Such distinctive features as these will, we have no doubt, be widely appreciated. This volume which presents the output of the Legislative machinery for a period of ten years, from 1082–1091 M. E., is well up to the standard of its predecessors and maintains the same level of excellence. We have nothing but praise for the publication, and we gladly join our friends who have written forewords to the previous Volumes in testifying to its high value. We may also observe that it is the first of its kind in design as well as execution. We hope that the publication so well begun will be brought up to date and continued to keep pace with the activity of the Legislature so that it may secure for itself a permanent place as the "Corpus Juris" of the State.

A. M. MUTHUNAYAGAM.
G. SANKARA PILLAI.

TRIVANDRUM,
24th May 1928.

PREFACE.

As in the case of the previous Volumes, every endeavour has been made to make the Notes in respect of the Regulations and Proclamations, and the Rules and Notifications, as complete and exhaustive as possible. Appendices are added embodying information that may help a fuller understanding of the Laws and Rules to which they relate. Of these, reference may be made to—

Appendix B–giving the history of the Kuthakapattom lands in the Palliport Farm,

Appendix C–containing the Rules issued in regard to the grant of lands for coffee and tea cultivation,

Appendix D–giving the Circulars issued by the High Court *re.* the Court Fees Regulation and also the Proceedings of the Government dealing with certain questions raised in the application of that law and their orders and instructions thereon, and

Appendix F–embodying the terms of the Interportal Convention of 1865 referred to in the Sea Customs and Land Customs Regulations.

For the Foreword to this Volume so kindly written by Rao Bahadur A. M. Muthunayagam Pillai B. A., & B. L., and Rao Bahadur G. Sankara Pillai B. A., & B. L., Retired Judges of the High Court, we wish to express our heartfelt thanks.

N. KRISHNASWAMY AIYAR.
R. RAMALINGAM AIYAR.

TRIVANDRUM,
25th May 1928.

TABLE OF CONTENTS.

Year.	Subject.	Page.
1082.	Regulation I.—Extradition	1
,,	,, II.—Charitable Endowments ...	3
	NOTIFICATIONS.	
	1. Under Sec. III (1), appointing Officer in charge of Central Account and Audit Office as Treasurer of Charitable Endowments ...	13
	2. Under Sec. IV (3) (e), declaring "Sirkar Savings Banks Deposits" as one of the securities for money ...	,,
	Including Government Five Per Cent. Debenture Loan among authorised securities ...	,,
	3. Under Sec. XI, prescribing Forms and Rules ...	,,
,,	,, III.—Steam-Boilers and Prime-Movers ...	20
	RULES under Sec. 23 ...	31
	NOTIFICATIONS.	
	1. Under Sec. 23, Director of Industries to discharge duties and exercise powers ...	59
	2. Under Sec. 1 (3), bringing Regulation into force ...	,,
	3. Under Sec. 4, no boiler or prime-mover to be used without license ...	,,
,,	,, IV.—Amending the Code of Criminal Procedure ...	60
1084.	Proclamation.—Special Court of Appeal	64
,,	Regulation II.—Civil Courts	65
,,	,, III.—Treasure Trove	82
,,	,, V.—Arms	90

Year.	Subject.	Page.
1084.	Regulation V.—Arms.—(*Concld.*)	
	RULES AND NOTIFICATIONS.	
	I.—Rules.	
	1. Under Secs. 4, 7, 12 and 23 ...	105
	2. Disposal of arms, &c., forfeited or confiscated ...	148
	3. Custody and disposal of arms deposited in Police-stations ...	149
	II.—Notifications.	
	1. Under Sec. 23, exempting Resident and Assistant Resident from restrictions and prohibitions ...	151
	2. Under Sec. 23, exempting Agent to the Governor-General and Assistants to the Agent from restrictions and prohibitions ...	"
	3. Exempting guard to Bank of Madras, Trivandrum, from Secs. 9 and 10 ...	"
	4. Under Sec. 23, exempting explosives imported by British Government for works from restrictions and prohibitions ...	"
	5. Under Sec. 23, exempting Gazetted Officers of Telegraph Department from restrictions and prohibitions ...	152
	6. Under Sec. 1 (*b*), District and Assistant Superintendents and Inspectors of Police on duty entitled to bear or possess revolver ...	"
	7. Under Rule 39 (2) of the Rules, member of Auxiliary Force not to pay fee for grant or renewal of license ...	"
	8. Under Rule 39 (2) of the Rules, Excise Officers above Sub-Inspectors not to pay fees for grant or renewal of license ...	"
	9. Exempting from customs duty arms, &c., imported by Arab Chiefs ...	152

Year.	Subject.		Page.
1085.	Regulation I.—Amending Regulation III of 1075	...	155
,,	,, IV.—Amending Regulation III of 1071	...	,,
,,	,, VI.—Weights and Measures	...	157
	RULES under Secs. 4, 5, 6, 7 and 8	...	164
,,	,, VII.—Amending the Code of Criminal Procedure	...	174
,,	,, IX.—Amending Regulation II of 1068	...	175
,,	Proclamation.—Palliport Farm	...	180
1086.	Proclamation.—Tax on Coffee and Tea Estates	...	182
,,	Regulation III.—British Coinage	...	183
	RULES AND NOTIFICATIONS.		
	I.—Rules.		
	1. Under Secs. 4, 8 and 9	...	188
	2. Under Sec. 9	...	190
	II.—Notification.		
	Free acceptance of British Indian Silver and Nickel Coins	...	191
,,	,, IV.—Cattle Trespass	...	,,
	NOTIFICATIONS.		
	1. Under Sec. 12, imposing double fine on cattle trespass in Kumili and Peermado tracts	...	206
	2. Under Sec. 12, imposing double fine on cattle tresspass in Munnar	...	,,
	3. Under Sec. 12, imposing double rates on cattle impounded in certain other areas	...	207
	4. Under Sec. 29, authorising Presidents of T. I. C's to exercise functions of a District Magistrate and crediting surplus to Town Fund	...	,,
	5. Under Sec. 29, authorising P. W. D. Officer, Edanad Sub-Division, to exercise functions of a District Magistrate	...	,,
	6. Under Sec. 29, authorising Special Officer Pattazhi, to exercise functions of a District Magistrate	...	,,

Year.	Subject.	Page.
1087.	Regulation I.—Tobacco	208
	RULES.	224
	NOTIFICATIONS.	
	1. Under Sec. 11 (c), appointing superior Officers ...	259
	2. Under Sec. 15, summoning of witnesses ..	,,
	3. Under Sec. 6, empowering Sub-Inspectors to admit to bail ...	,,
	4. Under Sec. 5, authorising Sub-Inspectors to search, &c. ...	,,
,,	Regulation II.—Registration ...	260
	RULES ...	318
	Table of Fees under Section 72 ...	374
,,	,, III.—Amending Regulation I of 1068 ...	383
,,	,, IV.—Amending Regulation IV of 1080 ...	,,
,,	,, V.—Amending Regulation II of 1080 ...	387
,,	,, VI.—Court Fees ...	,,
	RULES AND NOTIFICATIONS.	
	I.—Rules.	
	1. Under Secs. 17, 18 and 25 ...	440
	2. Rules and Forms (High Court) ...	444
	II.—Notifications.	
	1. Under Sec. 22, remitting fees on applications for refund of value of spoiled stamp papers	450
	Reducing fees payable for licenses under Arms Rules ...	,,
	2. Under Sec. 22, exempting applications for issue of arrack from distillery ...	,,
	3. Under Sec. 22, exempting applications for copies of judgments, &c., by British Postal Officers ...	,,
	4. Exempting applications for removal of green manure, &c., ...	451
	5. Under Sec. 22, exempting certain applications and petitions in Criminal Cases ...	,,

Year.	Subject.	Page.
1087.	Regulation VI.—Court Fees—(*Concld.*)	
	II.—Notifications.—(Concld.)	
	6. Exempting applications for free passes for removal of timber ...	"
	7. Under Sec. 22, exempting applications for issue of chellans and cheques ...	"
	8. Under Sec. 22, exempting applications for copies of records by Departmental Officers ...	452
	9. Under Sec. 22, exempting documents produced by Police in evidence ...	"
	10. Under Sec. 22, exempting applications for issue of arrack from ware-house ...	"
	11. Imposing fee on compromise petitions in Criminal Cases ...	"
	12. Under Sec. 22, remitting fees on copies furnished by Courts for private use ...	"
	13. Under Sec. 22, exempting applications for loans up to Rs. 200 under Agricultural Loans Rules ...	453
	14. Prescribing fees for applications, petitions, &c., under Regulation III of 1097 ...	"
	15. Under Sec. 22, exempting applications for lands by Co-operative societies ...	454
	16. Under Sec. 22, exempting applications under Sec. 33 of Regulation III of 1100...	"
	17. Under Sec. 22, exempting applications for licenses under Regulation V of 1101...	"
	18. Under Sec. 22, exempting applications from depressed classes for lands ...	"
	19. Under Sec. 22, exempting applications for lands from recruits, &c., of the Indian Army ...	455
	20. Under Sec. 22, limiting fees chargeable on appeals from orders ...	"
	21. Introducing impressed stamp papers, &c....	"
	22. Sale of stamps to the public ...	"

Year.	Subject.	Page.
1087.	Proclamation.—Silver Coins	456
„	Regulation IX.—Rubber Thefts Prevention ...	459
1088.	Proclamation.—Transfer of Cases by Special Appellate Judge	469
„	Regulation III.—Salt	470
	RULES AND NOTIFICATIONS.	
	I.—Rules.	
	1. Under Sec. 77 ...	506
	2. Under Sec. 77, for issue of salt free for use in manufactures ...	550
	II.—Notifications.	
	1. Under Sec. 4 (*a*), appointing Excise Commissioner in charge of Salt Department...	552
	2. Under Sec. 4 (*b*) appointing Officers for the purpose of the Regulation ...	„
	3. Under Sec. 39, authorising Police and Land Revenue Officers to make searches, &c. ...	553
	4. Under Sec. 39, authorising Excise Sub-Inspectors to make searches, &c., ...	„
	5. Under Sec. 47, appointing superior Officers for the purpose of the Section ...	„
	6. Under Sec. 51, empowering Officers to summon witnesses, &c., ...	„
	7. Declaring holidays for Salt Factories, Depots and Bankshalls ...	554
„	„ IV.—Tolls Recovery ...	555
„	„ V.—Sea Customs ...	580
	RULES AND NOTIFICATIONS.	
	I.—Rules.	
	For warehousing goods at Alleppey ...	644
	II.—Notifications.	
	1. Under Sec. 7, appointing Chief Customs Officer and Customs Inspector at Arukutty ...	645
	2. Under Sec. 7, appointing Circle Officers as Chief Customs Officers ...	„

Year.	Subject.	Page.
1088.	Regulation V.—Sea Customs—(*Concld.*)	
	II.—Notifications —(*Concld.*)	
	3. Notifying cess not to be levied on refuse tea ...	646
	4. Exempting from duty memorials of a public character ...	"
	5. Notifying certain articles as duty free on re-importation ...	"
	6. Prohibiting import of goods with designs in Currency Notes, &c., ...	"
	7. Under Sec. 131, exempting port of Alleppey from operation of Clause (*b*) ...	"
	8. Under Sec. 18, prohibiting export of certain manurial mixtures ...	647
	9. Under Sec. 18, restricting import of apparatus for wireless telegraph ... (In the first para of the Notification, read 'restrict' for 'prohibit.' See also Appendix.)	"
	10. Under Sec. 10, declaring Sub-port of Colachel ...	648
	11. Under Sec. 23 (*a*), exempting from import duty articles of mess-property of Regiments, &c., ...	"
	12. Under Sec. 23 (*a*), exempting from import duty certain goods previously exported ...	649
	13. Prescribing declaration, &c., for cases under above Notification (12) ...	"
1088.	Proclamation.—Karanma Services ...	652
"	Regulation VI—Amending Regulation III of 1079 ...	653
"	" VII.—Amending the Code of Criminal Procedure...	654
1089	" I.—Amending the Penal Code ...	657
"	" II.—Amending Regulation IV of 1079 ...	658
"	" III.—Amending Regulation III of 1077 ...	"
"	" IV.—Amending Regulation II of 1088 ...	659
"	" V.—Factories	"
	RULES ...	687
"	Proclamation.—Coinage and Mint	701

Year.	Subject		Page.
1089.	Regulation VI—Hackney Carriage	...	706
	Notification extending Regulation to the Towns of Quilon and Alleppey	...	726
	Table of Fares	...	727
	Bye-laws by Police Commissioner	...	"
"	" VII.—Body Guard	...	731
	Standing Orders	...	732
"	" VIII.—Amending Regulation I of 1080	...	743
"	" IX.—Anchal	...	744
	Rules	...	774
"	" X.—Co-operative Societies	...	808
	Rules and Notifications.		
	I.—Rules		
	Under Sec. 42	...	827
	II.—Notifications.		
	1. Under Sec. 28 (*b*), remitting Registration fees on instruments executed by Co-operative societies	...	837
	2. Under Sec. 28 (*a*), remitting stamp duty on instruments executed by Co-operative societies	...	838
	3. Under Sec. 28 (*b*), remitting fees payable for searches in Registry Offices	...	"
	4. Defining the relations of Government servants with Co-operative societies		"
"	Regulation XI.—Land Acquisition	...	839
	Rules and Notifications.		
	I.—Rules.		
	1. Under Sec. 41	...	871
	2. Rules (by High Court)	...	880
	II.—Notification.		
	Under Sec. 3 (*c*), investing Assistant Commissioner, Devicolam, with powers of a Division Peishkar		"
"	" XII.—Game and Fish Protection	...	881
"	Proclamation.—Control of Naval or Military News	...	889

Year.	Subject.		Page.
1090.	Regulation I.—Village Panchayat Courts	...	891
	RULES under Sec. 77	...	922
"	" II.—Amending the Code of Criminal Procedure	...	923
"	" IV.—Opium	...	924
	RULES AND NOTIFICATIONS.		
	I.—Rules.		
	1. Rules applicable to Opium and Ganja	...	941
	2. Under Secs. 6 and 35, Opium Rules	...	949
	3. Under Secs. 6 and 35, Morphia Rules	...	956
	4. Under Secs. 6 and 9, storage and issue of Opium and Ganja	...	966
	5. Interstatal Rules *re.* Opium	...	970
	II.—Notifications.		
	1. Officers in Madras Presidency authorised to verify consignments	...	972
	2. Under Sec. 10, authorising Sub-Inspectors to make searches, &c.	...	"
	3. Licenses to import morphia drugs	...	973
"	Proclamation.—Criminal Intercourse with Enemies	...	974
"	Regulation VI.—Amending Regulation III of 1072	...	975
"	" VII.—Amending Regulation IV of 1086	...	976
"	" VIII.—Insolvency	...	"
	RULES		
	1. Under Sec. 50	...	1033
	2. Rules *re.* Official Receivers	...	1054
"	" IX.—Succession Certificate	...	1056
"	" X.—Patents and Designs	...	1070
	RULES	...	1102
1091.	" I.—Amending Regulation III of 1086	...	1139
"	" II.—Land Customs	...	1140
	RULES	...	1159
	NOTIFICATIONS.		
	1. Extending Rules to the Taluk of Shenocottah	...	1163
	2. Specifying articles to which above Notication applies	...	"
	3. Specifying Manifest stations for registering goods	...	1164

Year.	Subject.	Page.
1091.	Regulation III.—British Telegraph Protection ..	1167
„	Proclamation. —Kandukrishi lands ...	1178
„	Regulation IV.—Land Conservancy ...	1179
	Rules ...	1196
	Notification empowering Peishkars to hear and dispose of appeals ...	1204
„	„ V.—Glanders and Farcy ...	„
	Rules ...	1209
	NOTIFICATIONS.	
	1. Defining the word 'diseased' ...	1212
	2. Applying Regulation to the Town of Trivandrum ...	„
	3. Appointing Veterinary Inspector, Trivandrum, also as Veterinary Practitioner under Regulation ...	„
„	„ VI.—Amending Regulation XII of 1089 ...	„

APPENDICES.

APPENDIX A.

	PAGE.
Arms Regulation, V of 1084.—	
Amending Form III of Schedule V of Rules ...	1214

APPENDIX B.

Palliport Farm Proclamation, 1085.—	
I.—History of the Kuthakapattom lands in the Farm ...	„
II.—(1) G. O. referred to in the Proclamation	1221
(2) G. O. *re.* payment of Vilayartham ...	1223
(3) Settlement of Kuthakapattom lands ...	1224

APPENDIX C.

Tax on Coffee and Tea Estates Proclamation, 1086.—	
I.—RULES regarding grant of land for cultivation of Coffee, dated 8-3-1862 ...	1225

PAGE.

Tax on Coffee and Tea Estates Proclamation, 1086.—(*Concld.*)

II.—Rules for the sale of Waste land on the Travancore Hills, dated 24-4-1865 ... 1227

III.—Rules for the grant of Grass land to proprietors of coffee estates, dated 31-7-1877 ... 1234

IV.—Rules for the sale of Waste land on the Travancore Hills, dated 7-7-1898 ... 1241

V.—Rules for the sale of Waste land for coffee or tea cultivation, dated 28-11-1913 ... 1244

APPENDIX D.

Court Fees Regulation, VI of 1087.—

I.—Criminal Circulars (issued by the High Court) ... 1250

II.—Government Proceedings ... 1254

APPENDIX E.

Silver Coins Proclamation, 1087.—

Notification describing the coins introduced by the Proclamation ... 1267

APPENDIX F.

Sea Customs Regulation, V of 1088.—

I.—Interportal Convention ... 1269

II.—Notification exempting European liquors from duty ... 1275

III.—Notification admitting Travancore Ports to privileges of British Indian Ports ... „

IV.—Rules *re.* exemption of passengers' luggage from duty ... 1276

V.—Notification *re.* import of apparatus for wireless telegraphs ... 1281

APPENDIX G.

Village Panchayat Courts Regulation, I of 1090.—

Proceedings of the High Court ... „

PAGE.

APPENDIX H.

Opium Regulation, IV of 1090.—

Rules *re.* supply and issue of opium and ganja in the Treasuries ... 1282

APPENDIX I.

Land Customs Regulation, II of 1091.—

I.—Customs Rules—Shoranore-Cochin Railway ... 1285

II.—Customs Rules—Trivandrum-Tinnevelly Railway ... 1288

III.—Notification requiring vendors of tobacco on Railway platforms to take out licenses ... 1292

IV.—Notification *re.* Establishment of additional Chowkeys in Shencottah Taluk. ... 1293

V.—A. Rules *re.* Re-import and Re-export of goods ... 1294

B. G. O's referred to in the Rules ... 1297

VI.—Rules *re.* Transport of dutiable articles past Arukutty Chowkey ... 1302

VII.—(1) Rules *re.* Levy of duty at Arukutty on goods in steam launches ... 1303

(2) Notification *re.* levy of duty during nights at Arukutty and Aramboly Customs houses ... 1305

(3) Notification *re.* levy of duty during nights at Trivandrum, Quilon and Shencottah Railway Customs houses ... „

VIII.—Notification constituting Divisions and Ranges for purposes of Regulations IV of 1073, I of 1087, III of 1088, V of 1088, IV of 1090 and II of 1091. ... „

INDEX OF CASES.

I. The Travancore Law Reports.

VOL. VII.

Page.		Page.
129	...	435
153	...	281

VOL. VIII.

49	...	281
166	...	396
App.		
76	...	928

VOL. IX.

181	...	282
App.		
5	...	929

VOL. X.

30	...	398
	...	314
App.		
1	...	425
30	...	221

VOL. XI.

107	...	405
131	...	282
146	...	1195
170	...	314
172	...	282
200	...	"

VOL. XII.

44	...	398
54	...	299
157	...	435
188	...	404

VOL. XIII.

84	...	426
98	...	415
151	...	315
198	...	392
App.		
1	...	423
15	...	221

VOL. XIV.

Page.		Page.
48	...	393
93	...	315
"	...	405
102	...	418
118	...	299

VOL. XV.

120	...	283
131	...	398
App.		
9	...	100
12	...	"

VOL. XVI.

43	...	270
54	...	315

VOL. XVII.

47	...	855
112	...	436
117	...	315
177	...	"
186	...	282
187	...	283

VOL. XVIII.

26	...	856
164	...	77
178	...	100
187	...	856
252	...	436

VOL. XIX.

45	...	407
110	...	426
112	...	393
119	...	221
212	...	283
223	...	405
249	...	299

VOL. XX.

24	...	1188
37	...	396

VOL. XX.—*Concld.*

Page.		Page.
131	...	300
177	...	410
216	...	309
229	...	311

VOL. XXI.

1	...	398
119	...	315
199	...	300

VOL. XXII.

Page.		Page.
268	...	406

VOL. XXIII.

83	...	220
123	...	394
150	...	315

VOL. XXIV.

37	...	397
254	...	316

VOL. XXV.

1	...	283
"	...	436
129	...	866
170	...	78
255	...	437

VOL. XXVI.

Page.		Page.
50	...	404
58	...	437
249	...	844

VOL. XXVII.

112	...	407
164	...	100

VOL. XXVIII.

36	...	420
217	...	1192

VOL. XXVIII.—*Concld.*

Page.		Page.
238	...	400

VOL. XXIX.

243	...	866

VOL. XXX.

57	...	424
197	...	867
222	...	408

VOL. XXXI.

6	...	426
10	...	220
57	...	1193
217	...	425
223	...	163

VOL. XXXII.

15	...	438
38	...	72
90	...	868
97	...	75
"	...	396
235	...	73
245	...	76
"	...	407
258	...	316

VOL. XXXIII.

23	...	424
59	...	1058
232	...	1061
260	...	316

VOL. XXXIV.

91	...	426
165	...	869
169	...	992
172	...	438
176	...	410

VOL. XXXV.

39	...	998

I. The Travancore Law Reports.—*Concld.*

VOL. XXXV.—*Concld.*

PAGE.		PAGE.
211	...	858
232	...	401
336	...	402
239	...	„

VOL. XXXVI.

PAGE.		PAGE.
8	...	425
12	...	852
27	...	1017
195	...	1059
273	...	852

VOL. XXXVII.

PAGE.		PAGE.
60	...	864
178	...	1013
313	...	409

VOL. XXXVIII.

PAGE.		PAGE.
23	...	1003
94	...	1193
161	...	992
245	...	1008
268	...	870
277	...	438

VOL. XXXIX.

PAGE.		PAGE.
135	...	412
211	...	71
317	...	1029

VOL. XL.

PAGE.		PAGE.
79	...	1033
87	...	995
109	...	300
141	...	80
205	...	430
209	...	1011

VOL. XL.—*Concld.*

PAGE.		PAGE.
212	...	981
278	..	1004

VOL. XLII.

PAGE.		PAGE.
279	...	1004
307	...	871
318	...	848
334	...	1029
473	...	307

II. The Travancore Law Journal.

VOL. I.

PAGE.		PAGE.
8	...	300
78	...	312
100	...	77
150	...	437
169	...	411
180	...	316
203	...	400
252	...	436
265	...	283
328	...	404
382	...	856
388	...	438

VOL. II.

PAGE.		PAGE.
91	...	73
293	...	866
319	...	404
340	...	420
355	...	407

VOL. III.

PAGE.		PAGE.
85	...	420
198	...	400

VOL. IV.

PAGE.		PAGE.
93	...	866
112	...	867

VOL. IV.—*Concld.*

PAGE.		PAGE.
153	...	401
238	...	867
247	...	„

VOL. V.

PAGE.		PAGE.
227	...	1193
234	...	220
425	...	425
475	...	163

VOL. VI.

PAGE.		PAGE.
40	...	868
58	...	283
60	...	413
101	...	72
155	...	868
407	...	76
„	...	407

VOL. VII.

PAGE.		PAGE.
105	...	1058
113	...	316
251	...	1061
344	...	316
376	...	868

VOL. VIII.

PAGE.		PAGE.
124	...	1067

VOL. VIII.—*Concld.*

PAGE.		PAGE.
282	...	997
309	...	1017
413	...	1059
459	...	1032
477	...	869

VOL. IX.

PAGE.		PAGE.
8	...	1027
114	...	1067
289	...	413
301	...	426
316	...	425

VOL. X.

PAGE.		PAGE.
22	...	283
133	...	317
134	...	403
146	...	1017
189	...	998
200	...	1059
321	...	317
382	...	1103

VOL. XI.

PAGE.		PAGE.
126	...	864
337	...	220

VOL. XI.—*Concld.*

PAGE.		PAGE.
297	...	317
402	...	994
449	...	409
501	...	1003

VOL. XII.

PAGE.		PAGE.
154	...	1012
169	...	1193
270	...	1002
323	...	870

VOL. XIII.

PAGE.		PAGE.
46	...	412
84	...	416
104	...	1067
128	...	1029
319	...	998
339	...	„
415	...	439
429	...	1059
524	...	1186

VOL. XIV.

PAGE.		PAGE.
25	...	994
92	...	1004
106	...	439
148	...	1033

II. The Travancore Law Journal.—*Concld.*

VOL. XIV.-*Concld.*

PAGE.		PAGE.
153	...	300
195	...	995
207	...	71
228	...	80
341	...	984
360	...	1011
533	...	1001

VOL. XV.

PAGE.		PAGE.
186	...	317
373	...	1033

VOL. XVI.

PAGE.		PAGE.
44	...	859
68	...	76
86	...	1195
134	...	1060

VOL. XVI.-*Concld.*

PAGE.		PAGE.
152	...	1004
158	...	848
166	...	1015
357	...	989
410	...	397
521	...	847
621	...	1005

VOL. XVII.

PAGE.		PAGE.
28	...	1060
59	...	1151
88	...	992
383	...	1029
523	...	1194
843	...	871
879	...	1001

III. Select Unreported Decisions.

(*Thandu Iyer's.*)

VOL. I.

PAGE.		PAGE.
309	...	4 8

VOL. II.

PAGE.		PAGE.
173	...	316
395	...	424

VOL. III.

PAGE.		PAGE.
236	...	399
368	...	220

IV. Important Unreported Decisions.

(*Kolappa Pillai's.*)

PAGE.		PAGE.
110	...	856
174	...	220
175	...	221

Regulations and Proclamations

OF

TRAVANCORE.

REGULATION I OF 1082. [a]

EXTRADITION REGULATION.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. When extradited persons to be arrested and surrendered and by whom.
3. (1) Power to Magistrates of the First Class to issue warrants of arrest in certain cases.
   (2) Issue of warrant to be reported forthwith.
   (3) Limit of time of detention of person arrested.
   (4) Bail.

A Regulation to remove doubts as to the Extradition of Criminals from Travancore and to make express provision therefor, framed and submitted by the Dewan under Section 14 of the Travancore Legislative Council Regulation, 1073

Passed by His Highness the Maha Raja of Travancore on the 6th Chingom 1082 corresponding with the 22nd August 1906.

Preamble.

Whereas it has been the usage to extradite from Travancore all persons who have committed or are suspected to have committed offences in British India and who escape into or are in Travancore, whether Travancore subjects or not, and for

(a) Published in the Gazette dated 28-8-1906, Pt., I.
Amended by Regulation II of 1094.

whose arrest applications have been received from the Resident in Travancore and Cochin; and whereas doubts have arisen as to the legality of the existing usage; and whereas it is expedient to remove such doubts and make express provision for the extradition of such persons from Travancore; We are hereby pleased to enact as follows:—

Short title and commencement.

1. This Regulation shall be called "The Travancore Extradition Regulation of 1082", and shall extend to the whole of Travancore, and shall come into force at once.

When extradited persons to be arrested and surrendered and by whom.

2. It shall be lawful for Our Dewan, in cases in which requisition has been made by the Resident in Travancore and Cochin for the arrest and surrender of persons who have committed or are suspected to have committed offences in British India and who escape into or are for the time being resident or are found in Travancore, whether Travancore subjects or not, to order any Magistrate not below the rank of a Magistrate of the First Class, to cause the arrest of such persons and their surrender to the British authorities, and no Court shall have jurisdiction to question the validity of any such order, or anything done in pursuance or execution thereof.

Power to Magistrates of the First Class to issue warrants of arrest in certain cases.

[3. (1) If it appears to any Magistrate not below the rank of a Magistrate of the First Class that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in British India, and that such person may, if a requisition were made by the Resident in Travancore and Cochin, be surrendered to the British authorities, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

Issue of warrant to be reported forthwith.

(2) The Magistrate shall forthwith report the issue of a warrant under this Section to Our Dewan.

Limit of time of detention of person arrested.

(3) A person arrested on a warrant issued under this Section shall not, without the special sanction of Our Dewan, be detained for more than two months, unless within such period the Magistrate receives an order from Our Dewan made with reference to such person in accordance with the procedure prescribed by Section 2.

(4) In the case of a person arrested or detained under this Section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in Travancore the offence with which he is charged.] (*a*)

Bail.

REGULATION II OF 1082.

CHARITABLE ENDOWMENTS REGULATION.

CONTENTS.

Preamble.

Sections.

I.	Short title, local extent and commencement ...	1(*b*)
II.	Definition	2
	"Charitable purpose."	
III.	Appointment and incorporation of Treasurer of Charitable Endowments	3
IV.	Orders vesting property in Treasurer	4
V.	Schemes for administration of property vested in the Treasurer	5
VI.	Mode of applying for vesting orders and schemes ...	6
VII.	Bare trustee-ship of Treasurer	8
VIII.	Annual publication of list of properties vested in Treasurer ...	9
IX.	Limitation of functions and powers of Treasurer ...	10
X.	Provision for continuance of office of Treasurer in certain contingencies	11
XI.	Power to frame Forms and make Rules ...	13
XII.	Indemnity to Government and the Treasurer ...	14
XIII.	Section 511 of the C. P. C. to apply to these endowments.	

(*a*) Added by Regulation II of 1094, published in the Gazette dated 24-9-1918.

(*b*) The figures on the right refer to the corresponding Sections of the British Indian Charitable Endowments Act VI of 1890.

A Regulation to provide for the Vesting and Administration of Property held in trust for Charitable purposes

Passed by His Highness the Maha Raja of Travancore on the 1st October 1906 corresponding with the 15th Kanni 1082, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to provide for the Vesting and Administration of Property held in trust for Charitable purposes; It is hereby enacted as follows:—

Short title, local extent and commencement.

I. (1) This Regulation may be called "The Charitable Endowments Regulation of 1082 M. E.":

(2) It extends to the whole of Travancore: and

(3) It shall come into force on the first day of Makaram 1082 M. E.

Regn. II of 1082.—I. *Objects and Reasons.*—

(1) "The large number of Charitable Endowments in Travancore justifies a sort of general control over them by Government in the interests of the Endowments themselves and of their beneficiaries. In British India such control is exercised by Government under Act VI of 1890. In the Select Committee's Report on the Hindu Religious Endowments Bill (now Regulation III of 1079), the opinion was accordingly expressed that a separate Bill on the lines of the British Indian Act VI of 1890, should be introduced, giving legislative protection to all Charitable Endowments which are purely secular, irrespective of the creed of the founders or beneficiaries thereof. The present Bill proposes to deal with these purely secular charities.

"2. The object of the Bill is to provide in Travancore an Officer who is a Corporation Sole corresponding to the Official Trustees of Charitable Funds in England and to the Treasurer of Charitable Endowments in British India. The Officer so appointed will be a bare trustee and will have absolutely nothing to do with the administration of the property. He will be in charge of the income of the Endowments which will be handed over to the persons administering them and will be required to keep regular accounts and publish them annually. The object of the vesting of all Charitable property in such an Officer by the name of his office as a Corporation Sole is to secure the holding of such property by some one always present and to avoid the inconvenience of appointing a new trustee on the retirement or death of any incumbent of the Trust.

"3. The Bill closely follows the British Indian Act VI of 1890 and consists of 14 Sections. Two points of difference exist between the Bill and that Act. To begin with, while the British Indian Enactment, in the words of Sir Philip Hutchins, "will be applicable to trusts for Charitable purposes, but not to trusts, exclusively for the purpose of Religious Teaching or Worship", the present Bill "does not include a purpose which relates *either wholly or in part* to Religious Teaching or Worship", as *provision* for such cases, at least in regard to the vast majority of Religious Endowments in Travancore, has been made in the Hindu Religious Endowments Regulation, III of 1079. Secondly, power is taken under Section 7 of the Bill for interference by Government in cases of *complaint* by the

beneficiaries or any one interested in the Endowment, but this need not alarm any section of His Highness the Maha Rajah's subjects, for, as explained by the Hon'ble Sir Andrew Scoble in the Vice-regal Council :........" It follows that the provisions of the Bill may apply to trusts for purposes partly Charitable and partly embracing Religious Teaching, but I see no objection to this so long as the Treasurer is a bare Trustee or custodian of the Trust-property and the application of the Bill to a Charitable Endowment is dependent on the consent not only of the parties interested in the Trust, but of the local Government also. The necessity for this two-fold consent provides in my opinion every necessary safe-guard against an improper use of the Bill that the most orthodox Hindu or Mahommedan or (I may say) Christian could require." The Bill does not confer on the Travancore Government the same liberty to deal with Christian and Mahommedan Charitable Endowments, if *partly* religious, as the British Indian Act confers on the British Government to deal with their Hindu and Mahommedan Charities, for this Bill wholly eschews from its scope all charities which have the least religious connection with them.

"4. The Bill, it may be added, is, in the main, intended to be only a permissive one and Government will not make a vesting order or frame a scheme for the administration of any charitable Trust except on application or complaint for that purpose and may, if it sees fit, decline to take any action ".— *S. O & R.*

(2) In the course of his speech in applying for leave to introduce the Bill, the Official Member in charge said :— " * * * It should be stated at the outset that only those charities which are *wholly unconnected* with religious teaching or worship would be covered by the Bill. In this respect, it is intended slightly to differ from the British Indian Act VI of 1890, according to which, "charitable purpose includes relief of the poor, education, medical relief, and the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or worship." This will satisfy the public that the utmost care is taken to avoid even the appearance of interference with the religious feelings of the different communities concerned. *"

L. C. P., dated 27-2-1904.

(3) In introducing the Bill, the Member said:—" * * I may be permitted to premise here that to the Hindu mind every form of charity is part and parcel of religion. To speak of endowments for secular charities as distinguished from religious endowments is a distinction unknown to ideas of Hindu orthodoxy. The different treatment now accorded to secular charities, whether by Hindu, Mahommedan or Christian founders, is, therefore, done more out of deference to the course of legislation in British India rather than in accordance with popular belief.

"The Council will notice that so far as the policy of religious neutrality on the part of Government is concerned, it is very strictly observed in the Bill. Where there is the least connection between a Charitable Endowment, say, by a Mahommedan or Christian donor, and his religious persuasion, the Bill scrupulously eschews that endowment from its scope. In this respect, it is much narrower in range than the British Indian Act on which it is based. For, the British Indian enactment is applicable "to trusts for Charitable purposes but not to trusts exclusively for the purpose of religious teaching or worship"—making it clear that a *partly religious trust* will be brought under the law, while under our Bill, the scope is

clearly defined "not to include a purpose which relates either wholly or in part to religious teaching or worship", in order to eliminate all possible chance of misconception on the score of religion by any orthodox Mahommedan or Christian subject of His Highness the Maha Rajah. This scrupulous exclusion of such trusts is, I know, a defect in the Bill, as all Charitable Endowments of the State are not covered by the Bill. But it is, in my opinion, safer to omit some endowments and own the defect rather than attempt at an exhaustive inclusion of *all* charities in the Bill, unless the followers of the different religious faiths themselves come forward and ask for such a comprehensive piece of legislation. One could not be too careful in a matter of this kind. * * *

"The main object of the Bill is secured by Sec. 3, which provides for Travancore an Officer who is a Corporation Sole corresponding to the Official Trustees of Charitable Funds in England and to the Treasurer of Charitable Endowments in British India. The Officer so appointed will be a bare trustee and will have absolutely nothing to do with the administration of the property (Sec. 8). He will be in charge of the income of the endowments which will be handed over to the persons administering them (Sec. 9). The object of the vesting of all Charitable property in such an Officer by the name of his office as a Corporation Sole is to secure the holding of such property by some one always present and to avoid the inconvenience of appointing a new trustee on the retirement or death of any incumbent of the Trust. Section 4 empowers the Dewan to make vesting orders on application and also defines what securities for money shall be so vested by him. Sec. 5 empowers the Dewan to settle a scheme for the administration of any property vested or to be vested in the Treasurer of Charitable Endowments; also to modify the scheme, or substitute another scheme instead, and such a scheme shall not be questioned in any Court regarding the administration of the property to which the scheme relates. Section 6 defines who shall apply for a vesting order by the Dewan. Sec. 7 enables the Dewan, on complaints made by any person interested in a Charitable Endowment, to order the vesting of the property of the Endowment in the Treasurer of Charitable Endowments and settle a scheme for its administration and enjoins further that no action shall be taken by him under this Section except after a full enquiry. Sec. 9 requires the Treasurer of Charitable Endowments to keep a list of all properties vested in him and an abstract of all accounts and cause them to be published in the Government Gazette not less than once a year. This is a very important provision for the satisfactory management of public charities. A similar provision has been inserted in the Hindu Religious Endowments Regulation III of 1079 and the want of it, it is said, is one reason which has nullified the beneficial intentions of the British Indian Government in regard to the Hindu Religious Institutions of British India governed by Act XX of 1863. Sec. 10 defines the functions and powers of the Treasurer. Sec. 12 enables the Dewan to frame Forms and make Rules for the purpose of carrying into effect the provisions of this Regulation. Sec. 13 indemnifies all *bona fide* action taken by Government or Treasurer under this Regulation. Sec. 14 provides that the right of remedy reserved to the public by Section 511 of the Civil Procedure Code (Regulation II of 1065 M. E.) shall continue. * * * * "

L. C. P., dated 11-6-1904.

(4) When the Report of the Select Committee was taken up for consideration, the Member in charge said:—"I have to draw their attention to the following salient points in it:

PHILLIPS ...

(1) That the Bill is in the main only an adaptation of the British Indian Act VI of 1890 and a necessary sequel of the Hindu Religious Endowments Regulation III of 1079:

(2) That the scope of this Bill is narrower than the British Indian enactment, out of regard to the feelings of our Mahommedan and Christian communities:

(3) That the Officer called the Treasurer of Charitable Endowments in Travancore will be a bare trustee and will have absolutely nothing to do with the administration of the property; he will be in charge of the income of the Endowments which will be handed over to the persons administering them:

(4) That the Bill enables the Dewan, on complaints made by any person interested in a Charitable Endowment, to order the vesting of the property of the Endowment in the Treasurer of Charitable Endowments and settle a scheme for its administration and enjoins further that no action shall be taken by him under this Section except after a full enquiry:

(5) That the Treasurer of Charitable Endowments should periodically publish in the Gazette the list of all properties vested in him and an abstract of all accounts he keeps:

(6) That the right of remedy reserved to the public by Section 511 of the Civil Procedure Code shall continue; and

(7) That the Bill is only a *permissive* one. * * * "—*L. C. P., dated 16-9-1905.*

[In regard to point No. 4 mentioned above, it may be noted that the Bill contained a Section (VII) which empowered Government, in the case of any Charitable Endowment about the administration of which complaints of gross mismanagement, neglect or malversation of funds are made, to order the vesting of the property in the Treasurer and settle a scheme for the administration of the endowment. A proviso was added laying down that, only after full enquiry into the truth of the complaint, action should be taken under the Section. When the Bill was considered by the Council, a Non-Official Member proposed the omission of the Section. He said:—" * * This Section really goes against the principle of the Bill that it is only a permissive measure. Taken along with Section 13 which provides that no suit shall be instituted against the Government for anything done or purporting to be done under the enactment, it vests in the Government an almost absolute power of dealing with these institutions. The cases falling under Secs. IV and V are distinct from those contemplated by Sec. VII, inasmuch as the parties interested in the Charitable institutions have to move the Dewan for taking steps under these Sections and their concurrence has also to be obtained for the settlement of a scheme under Sec. V; but Sec. VII empowers the Government to interfere even against the wishes of the persons interested."—

L. C. P., dated 16—9—1905.

Discussion followed, and finally the motion to omit the Section was carried, as Sec. 511 of the Civil Procedure Code which is expressly saved by Sec. 13 provided sufficient safeguards for the protection of these charities.— *L. C. P., dated 11-1-1096.*]

II. Leave to introduce the Bill was applied for and granted at the meeting of the Council held on 27-2-1904 (*T. G. G., dated 1—3—1904*). The Bill was published in the Gazette dated 7-6-1904 and introduced in the Council on 11-6-1904 (*T. G. G., dated 21-6-1904*). The principle of the Bill was affirmed and the Bill referred to a Select Committee on 17-12-1904 (*T. G. G., dated 27-12-1904*). The Committee's Report was presented to the Council on 15-4-1905 (*T. G. G., dated 18-4-1905*) and published on 6-6-1905. It was considered on 16-9-1905 (*T. G. G., dated 26-9-1905*) and 11-1-1906 (*T. G. G., dated 23-1-1906*). The Bill was finally read and passed on 14-9-1906 (*T. G. G., dated 18-9-1906*). The Regulation was published in the Gazette dated 2-10-1906.

Definition. "Charitable purpose."

II. In this Regulation, "Charitable purpose" includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but does not include a purpose which relates either wholly or in part to religious teaching or worship.

Appointment and incorporation of Treasurer of Charitable Endowments.

III. (1) The Dewan may, with Our sanction, appoint an Officer of Our Government by the name of his office to be Treasurer of all Charitable Endowments in Travancore.

(2) Such Treasurer shall, for the purpose of taking, holding and transferring movable or immovable property under this Regulation, be a corporation sole by the name of the Treasurer of Charitable Endowments for Travancore, and, as such Treasurer, shall have perpetual succession and a corporate seal, and may sue and be sued in his corporate name.

Orders vesting property in Treasurer.

IV. (1) Where any property is held or is to be applied in trust for a charitable purpose, the Dewan, if he thinks fit, on application made as hereinafter mentioned, and subject to the other provisions of this Section, may order, by Notification in the Government Gazette, that the property be vested in the Treasurer of Charitable Endowments on such terms as to the application of the property or the income thereof as may be agreed on between him and the person or persons making the application, and the property shall thereupon so vest accordingly.

(2) When any property has vested under this Section in a Treasurer of Charitable Endowments, he is entitled to all documents of title relating thereto.

(3) The Dewan shall not make an order under Sub-section (1) for the vesting in a Treasurer of Charitable Endowments of any securities for money, except the following, namely :—

(*a*) Promissory notes, debentures, stock and other securities of the Government of India ;

Sec. II. The latter part of the Section in the Indian Act reads thus:—"but does not include a purpose which relates exclusively to religious teaching or worship."

Sec. IV (3): Sub-clause (c) in the Indian Act refers only to "a security expressly authorised by any order which the Local ent may make in this behalf."

(*b*) Stock or debentures of, or shares in, Railway or other Companies, the interest whereon has been guaranteed by Our Government or the Government of India or the Secretary of State for India in Council;

(*c*) Immovable property within Travancore or any security expressly authorised by any order which the Dewan may make in this behalf.

(4) An order under this Section vesting property in the Treasurer of Charitable Endowments shall not require or be deemed to require him to administer the property, or impose or be deemed to impose upon him the duty of a trustee with respect to the administration thereof.

Schemes for administration of property vested in the Treasurer.

V. (1) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Dewan may, with Our sanction, settle a scheme for the administration of any property which has been or is to be vested in the Treasurer of Charitable Endowments, and may in such scheme appoint, by name or office, any person or persons, not being or including such Treasurer, to administer the property.

(2) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Dewan may, with Our sanction, modify any scheme settled under this Section or substitute another scheme in its stead.

(3) A scheme settled, modified or substituted under this Section shall, subject to the other provisions of this Section, come into operation on a day to be appointed by the Dewan in this behalf, and shall remain in force so long as the property to which it relates continues to be vested in the Treasurer of Charitable Endowments or until it has been modified or another such scheme has been substituted in its stead.

(4) Such a scheme, when it comes into operation, shall supersede any decree or direction relating to the subject-matter thereof, in so far as such decree or direction is in any way repugnant thereto, and its validity shall not be questioned in any Court, nor shall any Court give, in contravention of the provisions of the scheme or in any way contrary or in addition thereto, a decree or direction regarding the administration of the property to which the scheme relates.

(5) In the settlement of such a scheme, effect shall be given to the wishes of the author of the trust so far as they can be ascertained, and, in the opinion of the Dewan, effect can be reasonably given to them.

(6) Where a scheme has been settled under this Section for the administration of property not already vested in the Treasurer of Charitable Endowments, it shall not come into operation until the property has become so vested.

Mode of applying for vesting orders and schemes.

VI. (1) The application referred to in the two last foregoing Sections must be made,—

(a) if the property is already held in trust for a charitable purpose, then by the person acting in the administration of the trust, or, where there are more persons than one so acting, then by those persons or a majority of them; and

(b) if the property is to be applied in trust for such a purpose, then by the person or persons proposing so to apply it.

(2) For the purposes of this Section, the executor or administrator or other legal representative of a deceased trustee of property held in trust for a charitable purpose shall be deemed to be a person acting in the administration of the trust.

Bare trustee-ship of Treasurer.

VII. (1) Subject to the provisions of this Regulation, the Treasurer of Charitable Endowments shall not, as such Treasurer, act in the administration of any trust whereof any of the property is for the time being vested in him under this Regulation.

(2) Such Treasurer shall keep a separate account of each property for the time being so vested in so far as the property consists of securities for money, and shall apply the property or the income thereof in accordance with the provision made in that behalf in the vesting order under Section IV, or the scheme, if any, under Section V.

(3) In the case of any property so vested other than securities for money, such Treasurer shall, subject to any special order which he may receive from the authority by whose order the property became vested in him, permit the persons acting in the administration of the trust to have the possession, management and control of the property, and the application of the income thereof, as if the property had been vested in them.

Sec. VI (2): The words "or other legal representative" are not found in Sec. 6 of the Indian Act.

Sec. VII (2): In Sec. 8 of the Indian Act, the words "or in both those documents" occur at the end.

VIII. The Treasurer of Charitable Endowments shall cause to be published in the Government Gazette, at such time as the Dewan may direct not less than once a year, a list of all properties for the time being vested in him under this Regulation and an abstract of all accounts kept by him under Sub-section (2) of the last foregoing Section.

Annual publication of list of properties vested in Treasurer.

IX. (1) The Treasurer of Charitable Endowments shall always be a sole trustee, and shall not, as such Treasurer, take or hold any property otherwise than under the provisions of this Regulation, or, subject to those provisions, transfer any property vested in him except in obedience to a decree divesting him of the property, or in compliance with a direction in that behalf issuing from the authority by whose order the property became vested in him.

Limitation of functions and powers of Treasurer.

(2) Such a direction may require the Treasurer to sell or otherwise dispose of any property vested in him, and, with the sanction of the authority issuing the direction, to invest the proceeds of the sale or other disposal of the property in any such security for money as is mentioned in Section IV, Sub-section 3, Clause (*a*), (*b*) or (*c*).

(3) When the Treasurer of Charitable Endowments is divested, by a direction of the Dewan with Our sanction under this Section, of any property, it shall vest in the person or persons acting in the administration thereof, and be held by him or them on the same trusts as those on which it was held by such Treasurer.

X. If the office held by an Officer of the Government who has been appointed to be the Treasurer of Charitable Endowments is abolished or its name changed, the Dewan, with Our sanction, may appoint the same or another Officer of the Government by the name of his office to be such Treasurer, and thereupon the holder of the latter office shall be deemed for the purposes of this Regulation to be the successor in office of the holder of the former office.

Provision for continuance of office of Treasurer in certain contingencies.

Sec IX (2): In the Indian Act, the words "or in the purchase of immoveable property" occur at the end. *Vide* Sec. IV (3) above.

Power to frame Forms and make Rules.

XI. The Dewan, with Our sanction, may frame Forms for any proceedings under this Regulation for which he considers that Forms should be provided, and may make such Rules consistent with this Regulation as he may deem expedient for—

(*a*) prescribing the fees to be paid to Government in respect of any property vested under this Regulation in the Treasurer of Charitable Endowments;

(*b*) regulating the cases and mode in which schemes or any modifications thereof are to be published before they are settled or made under Section V;

(*c*) prescribing the Forms in which accounts are to be kept by the Treasurer of Charitable Endowments, and the mode in which such accounts are to be audited; and

(*d*) generally carrying into effect the provisions of this Regulation.

Indemnity to Government and the Treasurer.

XII. No suit shall be instituted against the Government in respect of anything done or purporting to be done under this Regulation, or in respect of any alleged neglect or omission to perform any duty devolving on the Government under this Regulation, or in respect of the exercise of, or the failure to exercise, any power conferred by this Regulation on the Government, nor shall any suit be instituted against the Treasurer of Charitable Endowments except for divesting him of property on the ground of its not being subject to a trust for a charitable purpose, or for making him chargeable with or accountable for the loss or mis-application of any property vested in him, or the income thereof, where the loss or mis-application has been occasioned by or through his wilful neglect or default.

Section 511 of the Civil Procedure Code to apply to these Endowments.

XIII. Nothing in this Regulation shall be taken as in any manner affecting the provisions of Section 511 of the Civil Procedure Code (Regulation II of 1065 M. E.).

GOVERNMENT NOTIFICATIONS.

(1)

Under Section III (1).

(Dated the 3rd August 1912.)

Under sanction of His Highness the Maha Raja, the Officer in charge of the Central Account and Audit Office, for the time being, of the Government of His Highness the Maha Raja, is appointed, under Section III (1) of the Charitable Endowments Regulation, II of 1082, as the Treasurer of Charitable Endowments in Travancore under the aforesaid Regulation.—*T. G. G., dated 13-8-1912, Pt. I, P. 1633.*

(2)

Under Clause (c) of Sub-section (3) of Section IV.

(Dated the 3rd August 1912.)

It is hereby expressly declared that "Sirkar Savings Banks Deposits" shall also, among other securities for money, be deemed as one of the securities for money within the purview of Clause (c) of Sub-section (3) of Section IV of the Charitable Endowments Regulation, II of 1082, which may be ordered to be vested in the Treasurer of Charitable Endowments in Travancore, under Sub-section (1) of Section IV of the aforesaid Regulation.—*T. G. G., dated 13-8-1912, Pt. I., P. 1633.*

(Dated the 14th July 1916.)

It is hereby notified that the Dewan, in exercise of the powers conferred by Section IV, Sub-section 3, Clause (c) of the Charitable Endowments Regulation, II of 1082, doth hereby order that the Travancore Government Five Per Cent. Debenture Loan of 1091 be included among the authorised securities in which the property administered under the above Regulation may be invested.—*T. G. G., dated 25-7-1916, Pt. I, P. 763.*

(3)

Under Section XI.

(Dated the 3rd August 1912.)

In exercise of the powers conferred by Section XI of the Charitable Endowments Regulation, II of 1082, under sanction of His Highness the Maha Raja, the following Forms are prescribed and the following Rules are published :—

1. It being the wish of the Government not to interfere, under the Charitable Endowments Regulation, II of 1082 (hereinafter referred to as the Regulation), in cases of doubt or dispute, and that the jurisdiction of the Courts on such cases should be left unaffected by the Regulation, the cases with which the Government will have to deal may be divided into two classes, namely, (1) cases of trusts whether already established or proposed to be established, out of which it may be confidently predicted that contention cannot arise; and (2) cases out of which contention may possibly arise, however remote or unlikely the contingency. To the second class will belong most cases in which private persons apply for a vesting order or a scheme or modification of a scheme and all cases in which it is proposed to depart in any respect from the ascertained wishes or presumable intentions of the founder of an endowment. In cases belonging to the first class, previous publication of the proposed vesting orders and of proposed schemes or modifications of schemes will ordinarily be unnecessary; in cases belonging to the second class, there should ordinarily be previous publication of such documents.

2. *Mode of previous publication of vesting orders and of schemes.* (i) When the Government, having regard to the last foregoing Rule, is of opinion that a proposed vesting order or proposed scheme or modification of a scheme should not be made or settled without previous publication, it shall publish a draft of the proposed order, scheme or modification, or a proper abstract thereof, signed by the Chief Secretary, for the information of persons likely to be affected thereby.

(ii) The publication should be made in the Government Gazette and in such other manner as the Government may prescribe.

(iii) There shall be published, with the draft or abstract, a notice specifying a date at or after which the proposed order, scheme or modification will be taken into further consideration.

(iv) The Government shall consider any objection or suggestion which it may receive from any person before such date, with respect to the proposed order, scheme, or modification.

3. *Incidence of cost of vesting orders and of schemes.* The cost of the previous publication, under the last foregoing Rule, of any proposed order, scheme or modification of a scheme, and any other costs incurred or to be incurred in the making or settlement of the order or of the scheme or modification, shall be paid by the applicants for the order, scheme or modification, and if the Government so direct, may be paid by them out of any money in their possession pertaining to the trust to which their application relates.

4. *Accounts of trusts consisting of immovable property.* In the case of property vested in a Treasurer of Charitable Endowments, other than securities for money, the person acting in the administration of the trust, and having under Section VII, Sub-section (3) of the Regulation, the possession, management, and control of the property and the application of the income thereof, shall, in books to be kept by him, regularly enter or cause to be entered full and true accounts of all moneys received and paid, respectively, on account of the trust, and shall, on the demand of the Government, submit annually to such public servant as the Government may, from time to time, appoint in this behalf, in such Form and at such time as the Government may, from time to time, prescribe, an abstract of those accounts and such returns as to other matters relating to the administration of the trust as the Government may, from time to time, see fit to require.

5. The actual charges incurred by the Treasurer for purchase or sale of securities and generally in the discharge of his functions in respect of the property, shall be deducted by him from any money in his hands on account of such endowment. If he holds no such moneys, the amount should be claimed from the administrators.

6. All copies of vesting orders received by the Treasurer will be filed together and will be numbered in consecutive order of their receipt; when a sufficient number has been received, they will be bound in volumes. A note will be made on each vesting order of any entries in the Registers prescribed below, relating to the property vesting in the Treasurer under the order.

Accounts of Securities for Money.

7. On the receipt of any securities for money, or on their purchase by himself, the Treasurer will record their receipt in a Register in Form No. 1. He will also keep a separate account for each endowment in Form No. 4, in which he will record all receipts, including any amount sent for investment, and all disbursements. In the cash account, the Treasurer will record only his own transactions (such as the payment of the money to the administrators), not the transactions of the administrators of the endowment fund.

8. The Treasurer will keep a record in the appropriate columns of Form No. 1 of all securities returned by him. The return will also be entered in Form No. 4, where the amount returned will be deducted from the capital of the endowment concerned.

9. The Treasurer will retain in his own custody all securities for money and the title deeds of all properties, other than securities for money, vested in him. The Treasurer may convert Government of India Pro-Notes held by him from any

endowments into stock certificates. Separate stock certificates shall however be held for the Government of India Pro-Notes belonging to every endowment.

10. All cash receipts including interest on Savings Bank deposits and Government of India Pro-Notes should be paid into the Treasury by the Treasurer to the credit of a head "Receipts by Treasurer of Charitable Endowments under Regulation II of 1082", which will be a sub-head under "Trust Interest Account". The interest (or other receipts) will then be distributed to the various ledger accounts (Form No. 4) in which the gross amounts (deducting income-tax alone in the case of Government of India Pro-Notes) must be shown. Any charges on account of fees, etc., will be shown separately in the ledger of interest and other receipts as also the amount remitted to the administrators. The entries in the latter ledger should be taken out and agreed annually with the debits and credits in the State ledger.

11. The Treasurer shall keep the following Accounts :—

(i) A Register of securities held under the Regulation—Form No. 1.

(ii) A Register of properties, other than securities, held under the Regulation—Form No. 2.

(iii) A Ledger Account of securities—Form No. 3.

(iv) A Ledger Account of interest and other receipts—Form No. 4.

The Treasurer shall, at least once a quarter and on all occasions of transfer of charge, count the securities for money with him, and record a certificate of verification in the Register in Form No. 1.

12. The list of properties vested in the Treasurer to be published under Section VIII of the Regulation shall be in Form No. 5. The publication will be made annually. Part I of the list will relate to properties other than securities: Part II will relate to securities and will also contain the abstract of accounts required by the Regulation to be published. The Treasurer will demand and receive acknowledgments from the administrators of the correctness of the balance when published.

13. The Treasurer may, when he is absent from headquarters on tour, lawfully entrust any of the Assistant Account Officers with the conduct of the routine work connected with his work as Treasurer. But the publication of accounts (Rule 12 above) shall be only over the signature of the Treasurer.

Audit of Accounts.

14. The Treasurer's accounts shall be audited at least annually by the Outside Audit branch of the Account Office, and the Audit report submitted to the Government by the Account Officer with his remarks.—*T. G. G., dated 3-8-1912, Pt. I, Pp. 1633—1641.*

Form No. I.

Register of Securities held under Regulation II of 1082.

Serial No.	Date of receipt.	Name or brief description of charitable endowment.	Particulars of Securities received.						Ledger folio.	Return of Securities.					Initials of Treasurer or Assistant in charge.	Remarks.
			From whom received	No. and date of forwarding letter.	Nature of securities, e. g., Government securities, 3½ per cent loan, guaranteed railway debentures, etc.	Distinguishing number of each security.	Nominal value of each security.	Total nominal value of each separate endowment.		Date.	To whom sent.	Authority for return.	No. and date of acknowledgment.	Nominal value of each security.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Note.—Columns 9 and 15 will be totalled annually and the balance worked out. The outstanding securities shall be carried forward in detail to the next year's Register, the balance being agreed with the details.

Form No. 2.

Register of Properties other than Securities (for money) held under Regulation II of 1082.

Serial No.	Particulars of vesting order.		Name of Endowment.	Administrators of Property.	Property held.			Title-deeds held.					Authority for return.	Initials of Treasurer or Assistant in charge.	Remarks.
	No.	Date.			Description.	Value.	Annual income if known.	Description.	Date of receipt.	Where deposited.	Date of return.	To whom returned.			

Form No. 3.

Ledger account of Securities held under Regulation II of 1082.

1. Name of Endowment.
2. Particulars of Vesting Order.
3. When vested in Treasurer.
4. Name of Administrators.
5. To whom interest is to be sent.

Serial No. in Form No. 1.	Particulars, e. g., received or returned.	Detail of Securities (distinguishing No., etc.)	Value of each Security (separate column for each kind).				Amount of half-yearly interest.	Date to which interest has been paid on receipt.	Initials of Treasurer or Assistant in charge.
			Govt. 3½ % loan of.	Guaranteed Railway.					

Form No. 4.

CASH ACCOUNT.

Name of Endowment.

Receipts.			Expenditure.		
Date.	Particulars.	Amount.	Date.	Particulars.	Amount.

NOTE.—To be closed annually to balance.

Form No. 5.

PART I.

List of Properties other than Securities held under Regulation II of 1082.

	Particulars of vesting order.		Name of Endowment.	Administrators of Property.	Property held.			Remarks.
	No.	Date.			Description.	Value.	Annual income if known.	
1	2	3	4	5	6	7	8	9

Form No. 5.

PART II.

List and Abstract account of Securities held under Regulation II of 1082.

Case No.	Name of Endowment.	Person in whose behalf held.	Particulars of Securities.	Total of Securities.	Cash receipts.		Total cash Receipts.	Cash expenditure.		Total paid.	Balance in cash
					Interest or Dividend realised.	Other cash Receipts.		Fees paid to the Government.	Other payments.		

REGULATION III OF 1082.

STEAM-BOILERS AND PRIME-MOVERS.

CONTENTS.

Preamble.
Sections.

1. (1) Short title.
(2) Commencement.
(3) Local extent.
(4) Limitation of application of Regulation.

2. Definitions.
"Boiler."
"Prime-mover."
"Owner."

3. Appointment of Inspectors.

4. Use of boiler without license prohibited.
Proviso in respect of continued use.

5. (1) Owner to give notice of intention to use a boiler.
(2)Inspector to appoint a day for the examination of the boiler.
(3) Examination by the Inspector.
(4) Payment of fees for examination.

6. Inspector may require owner to alter boiler.

7. When Inspector to grant license.
Period of license.

8. License to state certain particulars.

9. Boiler to be registered and marked with registry number.

10. (1) Owner to produce license when called upon.
(2) Transfer of license on change of ownership.

11. Revocation and suspension of license.

12. (1) Appeal against refusal, &c., of license.
(2) Presentation of appeal.

Regulation III of 1082: This is a close adaptation of the Madras Act III of 1893 as amended by Act I of 1904. The Madras Act as well as the Acts of the other British Indian Provinces on the subject were all wholly repealed by the Indian Boilers Act, V of 1923.

Sections.

(3) Issue of summonses in connection with appeal.
(4) Method of hearing appeal.
(5) Procedure in case of successful appeal.
(6) Procedure in case of unsuccessful appeal.

13. Inspector may enter place or building.
14. Government may require certificates of competency.
15. Government to make Rules for conduct of examinations for certificates and to appoint examiners.
16. Certificates may be of different classes.
17. Possession of certain other certificates to entitle holders to certificates under this Regulation.
18. Certificates of service may be granted to persons possessing proved practical skill.
19. (1) Cancellation or suspension of certificate after enquiry.
(2) Pending enquiry, holder to surrender certificate.
20. Duplicates of certificates may be given.
21. Penalties.
22. Charges not to be brought after six months.
23. Power to make Rules after publication.
24. Regulation may be applied to prime-movers by Notification.

SCHEDULE A.—Form of license.

Do. B.—Maximum rates of fees leviable for examinations of boilers.

A Regulation to provide for the inspection and management of Steam-Boilers and Prime-Movers in Travancore

Passed by His Highness the Maha Raja of Travancore on the 13th April 1907 corresponding with the 31st Meenom 1082, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to provide for the inspection and management of Steam-boilers and Prime-movers; It is hereby enacted as follows:

Regn. III of 1082: I. *Objects and Reasons.*—(1) These were set forth in the Statement appended to the Bill. They were explained more fully in the speech which the Official Member in charge made when applying for leave to introduce the Bill.

He said:—" * * * The want of such an enactment has been already felt in connection with the steam boat service in North Travancore. For some years past, there has been a regular steam boat service between Cochin and Alleppey and from Alleppey to Kottayam and it has recently been extended to Quilon. With the opening of the Tinnevelly-Quilon railway a fresh impetus has been given to the development of steam navigation along our backwaters and canals and several enterprising firms have turned their attention to this line of business. In July 1902, the Dewan Peishkar of Kottayam brought to the notice of Government the unsatisfactory condition of the steam boats plying between Alleppey and Cochin and urged the necessity for having the boilers and boats examined. Government issued orders to have them examined by the Executive Engineer of the Northern Division, but though three years have elapsed since the order was issued, the examination has not yet been fully carried out. Several causes have contributed to this delay, but the most important of them is the want of a legislative enactment to enforce such examination or to suspend the steam boat service on failure of the Company to submit their boats for examination within the prescribed time. The present Dewan Peishkar of Kottayam has now reported to Government that nothing can be done unless a special enactment is passed. It is not merely on account of the steam boat service that the special enactment is called for. There are a large number of factories in which steam power is used. It is necessary in the interests of the public that all steam boilers and prime-movers now in use or which may hereafter be introduced should be subjected to periodical, professional examination in view to test their soundness and safety. I shall not trouble the Council with any further remarks. If the permission I seek be granted, I shall place before the Council a Bill drafted on the lines of Madras Act III of 1893 which contains a few simple provisions regulating the periodical inspection of boilers and prime-movers, the issue of licenses and certificates of competency of persons entrusted with the management of boilers and the usual penalties for infringement of the law."—

L. C. P., dated 16-9-1905.

(2) In moving that the principle of the Bill be affirmed, the Member in charge spoke as follows:—" * * There are only two main provisions in it: (i) the periodical examination of boilers and the issue of licenses for their use; (ii) the issue of certificates of competency to persons entrusted with the management of boilers. These restrictions are, I need hardly say, necessary in the interests of public safety.

I would draw the attention of the Council to the last Section of the Bill (Section 24) which makes it discretionary with Government to extend the provisions relating to steam boilers and prime-movers. The question whether the provisions of the Bill should be generally applied to steam boilers and prime-movers alike engaged the particular attention of the Select Committee which sat on the Bill which was passed into law as Act III of 1893 and I cannot do better than read to the Council an extract from their Report, bearing as it does on an important Section affecting the principle of the Bill.

"In one important respect, however, we have altered the principle of the original Bill. We find that before Bombay Act II of 1891 was passed into law considerable discussion took place as to the advisability of applying its provisions to prime-movers. We append an extract from the speech of the Hon'ble Mr. Javerilal Umashankar Yajnik at the meeting of the Bombay Legislative Council on the 4th March 1891:—

'The first Boiler Inspection Act (Act VI of 1869) applied to prime-movers as well as to boilers. The second Boiler Inspection Act (Act V of 1873) applied also to both. But when the Act now in force (Act III of 1887) was considered by the Legislature in

1886, this point about the application of the Act to prime-movers was carefully weighed. On the one hand, it was held that there is much ignorance in this country on the subject of machinery and how to work it. On the other hand, it was maintained that such accidents are rare, that they do not often result in loss of life, that examinations of engines are not generally effective in preventing them, and that there are serious objections to an examination which requires large engines to be pulled to pieces and put together again, perhaps in a very hurried manner, in order to avert loss from the stoppage of a large factory. For these reasons the Honorable Mover of the Bill, the late Sir Maxwell Melville, at the meeting of the Legislative Council in October 1886, remarked that 'on the whole it has been thought advisable to exempt prime-movers from inspection, but to reserve power to Government to introduce such inspection, if, from the frequency of accidents or other cause, it should be considered advisable.'

"We further gather from the the Proceedings of the Bombay Legislative Council that in no part of the world, except Bengal and Burma, is the inspection of prime-movers required by law and we note also that negligent conduct with respect to machinery is punishable under Sec. 287 of the Indian Penal Code.

"The result of the exhaustive discussions in Bombay was the enactment of a measure which applies of its own free force to boilers only, but which can be extended by the Government by notification in such a manner as to provide for the inspection of prime-movers also.

"Upon the whole, we have come to the conclusion that the objections urged in Bombay against the application of the Act to prime-movers are so forcible as to render it advisable that the present Bill should be restricted in its immediate operation to boilers, but that, at the same time, circumstances may occasionally require the extension of the law to prime-movers also.

"We have given effect to our opinion in the amended Bill which provides for the inspection of boilers only in the first place, but which contains a provision (Sec. 24) for the extension to prime-movers by notification issued by Government".

The next point I wish to mention is about Clause (4) of Sec. 1 which excludes from the operation of the Bill "any boiler or prime-mover in any steam vessel". It has been suggested that this exemption may be removed as the main object of our Bill is to safe-guard the steam-boat service in North Travancore. The exemption occurs in the British Act because in British India they have separate enactments regarding steam-vessels and steam-ships, *viz.*, the Inland Steam-vessels Act VI of 1884, the Indian Steam-ships Act VII of 1884, and Native Passenger Ships Act X of 1887. These enactments are mainly intended for river steamers and other large craft and contain elaborate provisions and impose various restrictions which it is hardly necessary to introduce in this country at present. The omission of the words quoted above would bring under the operation of the Bill the boilers used in our steam-boats and this would meet the actual requirements here. This amendment as well as a few other minor amendments introduced by Madras Act I of 1904 are best considered in the Select Committee stage.—

L. O. P., dated 9-6-1906.

II. Leave to introduce the Bill was granted at the meeting of the Council held on 16-9-1905 (*T. G. G., dated 26-9-1905*). The Bill was published on 9-1-1906 and introduced in the Council on 11-1-1906 (*T. G. G., dated 23-1-1906*). The principle of the Bill was affirmed and the Bill referred to a Select Committee on 9-6-1906 (*T. G. G., dated 19-6-1906*). The Committee's Report was presented on 14-9-1906 (*T. G. G., dated 18-9-1906*) and published on 25-9-1906. It was considered on 23-11-1906 (*T. G. G., dated 27-11-1906*). The Bill was finally read and passed on 5-4-1907 (*T. G. G., dated 9-4-1907*). The Regulation was published in the Gazette dated 16-4-1907.

1. (1) This Regulation may be called "The Travancore Steam-boilers and Prime-movers Regulation, 1082."

Short title.

(2) It shall come into force from the first day of Chingom 1083.

Commencement.

(3) It shall extend to such local areas as Our Government may, by Notification in the Gazette, declare from time to time.

Local extent.

(4) But nothing in this Regulation shall be deemed to apply to any locomotive engine, boiler or prime-mover used upon or appertaining to any railway within the meaning of that word as defined in Section 3, Clause (4), of the Indian Railways Act, 1890, or to any boiler used exclusively for domestic purposes at atmospheric pressure, or to any boiler or prime-mover used in any vehicle or class of vehicles which the Dewan, with Our sanction, may by Notification specify.

Limitation of application of Regulation.

2. In this Regulation, unless there is something repugnant in the subject or context,—

Definitions.

"Boiler" includes any vessel used for generating steam under pressure and any apparatus closely attached thereto and affected by the steam-pressure :

"Boiler."

"Prime-mover" includes any steam engine, steam-hammer, fly-wheel, first driving shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime-mover :

Prime-mover.

"Owner" includes any agent or hirer using any boiler or prime-mover.

"Owner".

3. (1) Our Government may, at any time after the passing of this Regulation, appoint such persons to be Inspectors as it thinks fit, and suspend or remove any person so appointed.

Appointment of Inspectors.

(2) The persons so appointed shall, within such local area as Our Government may direct, exercise the powers and perform the duties conferred and imposed by or under this Regulation on an Inspector.

Use of boiler without license prohibited.

4. After such day as Our Government may, by Notification in the Gazette, fix in this behalf, no boiler shall be used unless a license authorising its use has been granted under this Regulation and is in force:

Proviso in respect of continued use.

Provided that the owner of a boiler who holds in respect thereof a license as aforesaid, and who, before the expiry of such license, gives to the Inspector for the local area in which the boiler is situated not less than thirty days before such expiry, notice of his intention to continue to use the same afterwards, may continue to use or permit the use of the boiler, as allowed by the said license, until it is examined in pursuance of such notice.

Owner to give notice of intention to use a boiler.

5. (1) The owner of any unlicensed boiler shall, before using the same, give notice of his intention to use such boiler to the Inspector for the local area within which it is situated.

Inspector to appoint a day for the examination of the boiler.

(2) On receipt of the notice, the Inspector shall appoint a day and time, after sunrise and before sunset, for the examination of the boiler. The day so appointed shall be a day not later than thirty days from the day on which the notice is received.

Examination by the Inspector.

(3) On the day and at the time so appointed, the Inspector shall carefully examine the boiler and every part thereof; and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination, and all such information regarding the boiler as he may reasonably require.

Payment of fees for examination.

(4) Every person giving a notice under this Section shall simultaneously pay the fees prescribed for the examination by a Rule made under Section 23.

Inspector may require owner to alter boiler.

6. If, on making the examination under Section 5, the Inspector is of opinion that the boiler requires, in view to safe working, any alteration or addition, he shall refuse to grant a license until the alteration or addition is made, and shall serve on the owner of the boiler within twenty-four hours of his examination a written notice of his refusal, specifying the alteration or addition which, in his opinion, is required.

7. When the Inspector is satisfied that the boiler is in good condition and not so exposed as to be likely to be dangerous, he shall give to the owner thereof a written license, signed by him, in the Form prescribed in Schedule A hereto annexed, or in a Form to the like effect.

When Inspector to grant license.

No such license shall remain in force for more than twelve months.

Period of license.

8. Every license granted under this Regulation shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period. Such license shall also state the pressure beyond which the boiler may not be worked.

License to state certain particulars.

9. On granting a license under Section 7, the Inspector shall register the boiler in such Form as Our Government may prescribe, and shall allot to it a number to be called the registry number of the boiler. The registry number shall be communicated to the owner and shall, within such reasonable period as the Inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible and in such manner as Our Government may prescribe.

Boiler to be registered and marked with registry number.

10. (1) The owner of any boiler, who shall have obtained a license therefor, shall, at all reasonable times during the period for which such license is in force, be bound to produce the said license when called upon to do so by the District Magistrate, or by any person generally or specially authorised in writing by such Magistrate to demand its production.

Owner to produce license when called upon.

(2) A person who becomes owner of a boiler during the time for which a license therefor is in force shall be entitled to receive the license from the preceding owner and shall be subject to the provisions of Clause (1) of this Section.

Transfer of license on change of ownership.

11. Any person authorised by Our Government in this behalf may revoke or suspend any license granted under this Regulation in respect of any boiler when he has reason to believe—

Revocation and suspension of license.

(a) that the license has been fraudulently obtained, or has been granted erroneously or without sufficient examination; or

(b) that the boiler in respect of which it has been granted is not in good condition or has, since the granting of the license, sustained injury; or

(c) that the registry number is not marked upon the boiler as required by this Regulation.

Appeal against refusal, &c., of license.

12. (1) The owner of any boiler may appeal from any order made under this Regulation refusing to grant, or revoking or suspending a license.

Presentation of appeal.

(2) The appeal shall, within one calendar month from the day on which the owner received the order appealed against, be presented in person or otherwise to the Magistrate of the District.

Issue of summonses in connection with appeal.

(3) Such Magistrate shall have power to issue summonses for the attendance of witnesses and the production of documents, and the provisions of the Code of Criminal Procedure shall, as far as applicable, apply to such summonses and the persons so summoned.

Method of hearing appeal.

(4) Such Magistrate shall summon to his assistance, in such manner as Our Government may direct, two competent assessors with the necessary practical knowledge and experience; and such assessors shall attend and assist accordingly.

Procedure in case of successful appeal.

(5) If such Magistrate is satisfied that the owner is entitled to the license, he shall grant a license in such Form as Our Government may, by Rule, prescribe, or shall cancel the order revoking or suspending the license, as the case may be; he shall further direct that the expenses of the appeal incurred by the appellant, to such amount as may seem reasonable to him, shall be reimbursed from the public funds.

Procedure in case of unsuccessful appeal.

(6) If such Magistrate is of opinion that the order appealed against is right, he shall dismiss the appeal; and the costs of the appeal incurred by Our Government and certified by the Magistrate shall be recoverable from the appellant as if they were arrears of land revenue.

Inspector may enter place or building.

13. An Inspector may, at any time, for the purpose of inspecting a boiler, enter into any place or building where he has reason to believe that the same is being used.

14. Our Government may, by Notification in the Gazette direct that, from a date specified and within any defined local area, no boiler shall be used unless it is in the direct and immediate management and charge of a person certified under this Regulation, as hereinafter provided, to be competent for the charge thereof.

Government may require certificates of competency.

15. Subject to the provisions of Section 17, certificates of competency for such charge shall be granted only after examinations conducted under Rules framed by Our Government under Section 23 (*d*) of this Regulation.

Government to make Rules for conduct of examinations for certificates and to appoint examiners.

The examiners shall be appointed by Our Government: Provided that in no case shall an Inspector appointed under this Regulation be nominated as an examiner.

16. Certificates of competency may be of different classes and shall qualify the holders thereof to manage or be in charge of boilers of such capacities or kinds as may be prescribed in the Rules framed under Section 23 (*c*).

Certificates may be of different classes.

17. (1) If any person holds a certificate of competency granted under the provisions of any law in British India, or in the United Kingdom, or in any British Colony, he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination.

Possession of certain other certificates to entitle holders to certificates under this Regulation.

(2) The certificate granted under this Section shall be of such class as the examiners appointed under Section 15, on a consideration of the nature of the certificate held, shall determine.

18. (1) The examiners may, in the case of any person who satisfies them that he has served for a period of not less than three years in actual charge and management of a boiler and that he is possessed of adequate practical skill for such work, grant to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of any class which the Board in such certificate of service specifies.

Certificates of service may be granted to persons possessing proved practical skill.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Regulation.

19. (1) If, on an enquiry conducted under this Regulation, it shall be established to the satisfaction of Our Government that the holder of any certificate granted under this Regulation is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, Our Government may cancel such certificate, or suspend the same for such time as it shall deem fit.

Cancellation or suspension of certificate after enquiry.

(2) The holder of such certificate shall surrender it pending the result of the enquiry, and, should he fail to do so, Our Government may cancel the certificate by Notification in the Gazette.

Pending enquiry, holder to surrender certificate.

20. Whenever the holder of a certificate granted under this Regulation proves to the satisfaction of Our Government that such certificate has been lost or destroyed, Our Government may direct that a duplicate of the same shall be issued; such duplicate shall have the same validity as the original certificate.

Duplicates of certificates may be given.

21. Every owner, or person in charge, of any boiler who—

Penalties.

(a) uses that boiler in contravention of the provisions of Section 4 or in contravention of the terms of the license granted under Section 7, or,

(b) fails to produce a license when called upon to do so under Section 10 of this Regulation, or,

(c) within a local area, defined under Section 14, allows any boiler to be used when not in the direct and immediate management and charge of a person duly certified as competent under this Regulation, and

every person who prevents an Inspector from entering, under Section 13, any place or building,

shall be punished with fine which may extend to five hundred rupees.

22. No charge of an offence under this Regulation shall be brought against any person after the expiration of six months from the date of the commission of the offence.

Charges not to be brought after six months.

Power to make Rules after publication.

23. Our Government may, at any time after the passing of this Regulation, after previous publication, make Rules consistent with this Regulation for all or any of the following purposes (that is to say):—

(*a*) for prescribing the powers, duties, mutual relations and official subordination of Inspectors and of officers authorised to revoke and suspend licenses under Section 11;

(*b*) for fixing the fees payable on account of examinations made by Inspectors under this Regulation at rates not exceeding those prescribed in Schedule B;

(*c*) for regulating the grant and record of certificates of competency and of service;

(*d*) for the conduct of examinations for such certificates and for regulating the fees to be charged for admission to the same;

(*e*) for providing for enquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of competency or service;

(*f*) generally for carrying out the purposes of this Regulation.

Regulation may be applied to prime-movers by Notification.

24. (1) Our Government may, by Notification in the Gazette,—

(*a*) apply so much of this Regulation as relates to the licensing, inspection or management of boilers to prime-movers generally, or to prime-movers of any particular class, in any local area in which this Regulation is, at the time, in force, and

(*b*) cancel any such Notification.

(2) While any such Notification is in force in any local area, in the provisions of the Regulation thereby made applicable the word "boiler" shall be held to include "prime-mover," so far as such local area is concerned.

SCHEDULE A.

(See Section 7.)

FORM OF LICENSE.

Name of owner.	Registry number and description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this license is to be in force.	Maximum pressure at which the boiler may be worked.	Remarks.

I, the undersigned, certify that I have examined the boiler above described, and to the best of my judgment, it is in good condition, and is not so exposed as to be likely to be dangerous.

A. B.,
Inspector.

SCHEDULE B.

[See Section 23 (b).]

MAXIMUM RATES OF FEES LEVIABLE FOR EXAMINATIONS OF BOILERS.

						Rs.
(1)	For the examination of each boiler not exceeding 10 horse power nominal					15
(2)	Do.	Do.	exceeding 10 but not exceeding 20		,,	20
(3)	Do.	Do.	exceeding 20 but not exceeding 30		,,	30
(4)	Do.	Do.	exceeding 30 but not exceeding 50		,,	40
(5)	Do.	Do.	exceeding 50 horse power		,,	50

RULES.

(No. P. W. 916/1380 dated 22nd February 1919.)

In exercise of the powers conferred by the Travancore Steam-Boilers and Prime-Movers Regulation, III of 1082, the following Rules are passed under Section 23 of the above Regulation with the sanction of His Highness the Maha Raja under date the 18th February 1919. They will be brought into force with effect from the 1st Meenom 1094. (a)

A.—Preliminary.

1. These Rules may be called the Boiler Examination Rules.

2. In these Rules—

(a) *T. G. G., dated 4-3-1919, Pt. I, Pp. 285—299.*

(a) "The Regulation" means the Steam-Boilers and Prime-Movers Regulation, III of 1082:

(b) "Section" means a Section of the said Regulation;

(c) "Examination" means the examination of boilers under the Regulation; and "Examination fees" means fees leviable on account of the examination of boilers.

B.—Inspectors.

3. An Inspector other than the Chief Boiler Inspector shall not undertake any professional work unconnected with his business under the Regulation except with the approval, or under the orders, of Government.

4. An Inspector shall receive such salary as Government may determine, all examination fees being credited to Government.

5. All records connected with the working of the Regulation shall be kept in the Inspector's office or in such other place as the Chief Engineer may direct.

6. The following records shall be maintained by the Inspector:—

(a) a register of examination fee receipts;

(b) a book containing forms of licenses in triplicate;

(c) a register of boilers in the following form which has been prescribed under Section 9:—

Name of owner.	Place where boiler is situated.	Registry number and description of boiler and age.	Nominal horse power.	When, where and by whom made	When and where last repaired.	Date of grant of license.	Maximum pressure at which boiler may be worked.	Time for which this license is to be in force.	Remarks.

(d) a register of licenses suspended or revoked under Section 11 (this register to be prepared upon information furnished to Inspector by the suspending or revoking authority, *i. e.*, the Chief Engineer);

(e) a register showing the result of appeals presented under Section 12 (this register to be prepared upon information furnished to the Chief Engineer by the District Magistrate); and each Inspector shall keep the following records:—

(f) a book containing a detailed account of every examination made by him;

(g) a diary of the work done by him from day to day.

7. The Chief Inspector shall furnish to the Chief Engineer, before the fifteenth day of every month, a copy of his diary and those of the other Inspectors for the preceding month.

8. All examination fees shall be paid into the local Government Treasury or remitted by money order to the Chief Inspector by the owners of boilers, and no boiler shall be examined under Section 5 unless the notice sent to the Inspector under that Section is accompanied by a treasury receipt or money order acknowledgment receipt for the fee, and the Inspector, if he finds that the right fee has not been paid, may decline to examine the boiler until it has been paid.

9 An extract from the register of examination fee receipts which is compiled by the Chief Inspector from the Treasury receipts referred to in Rule 8 shall be forwarded by him, monthly, to the Chief Engineer who shall verify it with the figures shown in the statement of receipts furnished to him every month from the Account Office.

10. (1) Our Government may appoint one of the Inspectors appointed under this Regulation to be the Chief Inspector.

(2) The other Inspectors shall be subordinate to and shall obey all orders of the Chief Inspector.

(3) The Chief Inspector shall in his turn be subordinate to and shall obey all orders of the Chief Engineer.

C.—Examinations.

11. Examination fees shall be paid in accordance with the following scale:—

			Rs.
(i)	For the examination of each boiler not exceeding 10 N. H. P.	...	15
(ii)	For the examination of each boiler not exceeding 20 N. H. P.	...	20
(iii)	For the examination of each boiler not exceeding 30 N. H. P.	...	30
(iv)	For the examination of each boiler not exceeding 50 N. H. P.	...	40
(v)	For the examination of each boiler exceeding 50 N. H. P.	...	50

12. Before making use of a boiler, newly purchased, hired or transferred to a different locality to that where it was previously at work, the owner, hirer, or user is required to intimate to the Chief Boiler Inspector in writing, 10 days previous to the date fixed for firing, his intention to use the boiler.

Full particulars and description shall be supplied, and the previous registry number, if any, furnished to the Chief Inspector.

The Chief Inspector shall then arrange for the inspection of the boiler as provided in Para 8.

13. Examinations will not be made on Sundays except in cases of absolute necessity; in such cases the fees may be increased 25 per cent.

14. The Inspector is required by the Regulation to fix the pressure to be allowed on boilers. In performing this very responsible and onerous duty he must be very careful, as in the event of accident it will be necessary for him to

prove clearly that he used due caution. On the one hand he must be careful as regards safety, and on the other hand he must not unduly reduce the pressure on a boiler.

15. The Inspector should fix the working pressure for boilers by a series of calculations of the strength of the various parts, and according to the workmanship and material.

In the case of boilers made in India, the Chief Engineer may receive plans and particulars of boilers before the commencement of manufacture with the object of preventing questions arising after the boilers are finished, and may have such plans and particulars examined.

When the Chief Engineer has received plans and tracings of new boilers, or of alterations of boilers, and has approved of them, he will, of course, be careful in having an examination made, when the boiler is ready for work, to see that they have been followed out. In case the Inspector is called to examine a boiler for which plans have not been submitted to the Chief Engineer for approval, the former shall have the parts measured, the details of construction noted and, if necessary, have the plates bored to ascertain their thickness, etc. before a license is given.

The Inspector shall not declare a boiler to be safe unless (a) he is fully informed as to its construction, material and workmanship, or unless (b) he is furnished with a certificate from a Chief Engineer of a recognised Boiler Insurance Company. He should therefore be very careful how he ventures to give a certificate.

16. In the case of new boilers the Inspector may allow a stress not exceeding 7,000 lb. per square inch of net section on solid iron screwed stays supporting flat surfaces, but the stress should not exceed 5,000 lb. when the stays have been welded or worked in the fire.

The areas of diagonal stays are found in the following way. Find the area of a direct stay needed to support the surface, multiply this area by the length of the diagonal stay, and divide the product by the length of a line drawn at right angles to the surface supported to the end of the diagonal stay; the quotient will be the area of the diagonal stay required.

When gusset stays are used, their area should be in excess of that found in the above way.

A stress of 6,000 lb. may be allowed on the net section of iron stay tubes, provided that the net thickness is in no case less than ¼ inch. When screwed stays are used, and the threads are fine, the depth of the nuts should be at least 1¼ times the diameter of the stay.

17. When the tops of combustion boxes or other parts of a boiler are supported by solid rectangular girders, the following formula should be used for finding the working pressure to be allowed on the girders, assuming that they are not subjected to a greater temperature than the ordinary heat of steam, and in the case of combustion chambers that the ends are fitted to the edges of the tube plate and the back plate of the combustion box.

$$\frac{C \times d_2 \times T}{(W-P)\ D \times L} = \text{Working pressure.}$$

W = Width of cumbustion box in inches.

P = Pitch of supporting bolts in inches.

D = Distance between the girders from centre to centre in inches.

L = Length of girder in feet.

d = Depth of girder in inches.

T = Thickness of girder in inches.

N = Number of supporting bolts.

$$C = \frac{N \times 1{,}000}{N+1} \text{ *when the number of bolts is odd.*}$$

$$C = \frac{(N+1)\ 1{,}000}{N+2} \text{ *when the number of bolts is even.*}$$

The working pressure for the supporting bolts and for the plate between them should be determined by the rule for ordinary stays.

18. The pressure on plates forming flat surfaces is found by the following formula :—

$$\frac{C+(T+1)^2}{S-6} = \text{Working pressure.}$$

T = Thickness of the plate in sixteenths of an inch.

S = Surface supported in square inches.

C = Constant according to the following circumstances.

C = 100 when the plates are not exposed to the impact of heat or flame, and the stays are fitted with nuts and washers, the latter being at least three times the diameter of the stay and two-thirds the thickness of the plates they cover. †

† If the diameter of riveted washers be at least two-thirds the pitch of the stays, and the thickness not less than the plates they cover, the constant may be increased to 150.

When doubling plates are fitted of the same thickness as the plates they cover and not less in width than two-thirds the pitch of the stays, the constant may be increased to 160.

When doubling plates cover the whole of the flat surface, the case should be submitted for the consideration of the Chief Engineer.

C=90 when the plates are not exposed to the impact of heat or flame, and the stays are fitted with nuts only.

C=60 when the plates are exposed to the impact of heat or flame, and steam is in contact with the plates, and the stays fitted with nuts and washers, the latter being at least three times the diameter of the stay and two-thirds the thickness of the plates they cover.

C=54 when the plates are exposed to the impact of heat or flame, and steam is in contact with the plates, and the stays, fitted with nuts only.

C=80 when the plates are exposed to the impact of heat or flame with water in contact with the plates, and the stays, screwed into the plates and fitted with nuts.

C=60 when the plates are exposed to the impact of heat or flame, with water in contact with the plates, and the stays screwed into the plates, having the ends riveted over to form substantial heads.

C=36 when the plates are exposed to the impact of heat or flame, and steam is in contact with the plates, with the stays screwed, into the plates, and having the ends riveted over to form substantial heads.

C=67½ when the plates are not exposed to the impact of heat or flame and the stays are screwed into the plates and riveted over.

In cases where plates are stiffened by T or L irons, and a greater pressure is required for the plates than is allowed by the use of the above constants, the case should be submitted for the consideration of the Chief Engineer.

When the riveted ends of screwed stays are much worn or when the nuts are burned, the constants should be reduced, but the Inspector must act according to the circumstances that present themselves at the time of inspection, and it is expected that in cases where the riveted ends of screwed stays in the combustion boxes and furnaces are found in this state, it will be often necessary to reduce the constant 60 to about 36.

The Inspector should not in any case allow a greater compressive stress on the edge of the tube plates than 7,500 lb. per square inch, which is that used in the following formula :—

$$\frac{(D-d)}{W} \; \frac{T \times 15{,}000}{\times D} = \text{Working pressure.}$$

D = least horizontal distance between centres of tubes in inches.

d = inside diameter of ordinary tubes in inches.

T = thickness of tube plate in inches.

W = extreme width of combustion box in inches from front of tube plate to back of fire-box or distance between combustion box tube plates when boiler is double ended and the box, common to the furnaces at both ends.

19. The Inspector should take care that boilers, the out-side of which cannot be seen, are cleared of all coverings and fittings for inspection whenever he considers it necessary. It will often be found necessary to reduce the pressure, unless the boilers are partially cleared from their seats to enable the Inspector to judge of their condition. If the owners in any special case have any good reasons for not wishing to clear them when the Inspector requires it, the Inspector should submit the whole case in detail to the Chief Engineer for his consideration. The Inspector must recollect that he is not to certify as sufficient any boiler respecting which he cannot thoroughly satisfy himself.

The Inspector should record in his inspection book the dates on which boilers are inspected, when and to what extent cleared from brick work, and whether the boilers were set or not when examined, and if not set, where they were examined. Boilers which have been cleared should in all cases be subjected to the hydraulic test before the brick work is rebuilt.

20. Boilers well constructed, well designed, and made of good material should have an advantage in the matter of working pressure over boilers inferior in any of the above respects, as unless this is done the superior boiler is placed at a disadvantage, and good workmanship and material will be discouraged. The following Rules are therefore prescribed.

When cylindrical boilers are made of the best material with all the rivet holes drilled in place and all the seams fitted with double butt straps, each of at least five-eighths the thickness of the plates they cover, and all the seams at least double riveted with rivets having an allowance of not more than 75 per cent over the single shear and provided that the boilers have been open to inspection during the whole period of construction, then 5 may be used as the factor of safety. The tensile strength of the iron is to be taken as equal to 47,000 lb. per square inch with the grain, and 40,000 lb. across the grain. But when the above conditions are not complied with, the additions in the following scale must be added to the factor 5, according to the circumstances of each case.

A* ·15 To be added when all the holes are fair and good in the longitudinal seams, but drilled out of place after bending.

B* ·3 To be added when all the holes are fair and good in the longitudinal seams, but drilled out of place before bending.

* When the holes are to be rimered or bored out in place, the case should be submitted to the Chief Engineer as to the reduction or omission of A, B, G and I as heretofore.

Note.—If the iron be tested and the elongation measured in a length of 10 inches is not less than 14 per cent with and 8 per cent across the grain and the Inspector is otherwise satisfied as to the quality of the plates and rivets, then 4·5 may be used instead of 5 in which case the minimum actual tensile strength of the plates shall be used in calculating the working pressure.

C ·3 To be added when all the holes are fair and good in the longitudinal seams, but punched after bending instead of drilled.

D ·5 To be added when all the holes are fair and good in the longitudinal seams, but punched before bending.

E† ·75 To be added when all the holes are not fair and good in the longitudinal seams.

F ·1 To be added if the holes are all fair and good in the circumferential seams, but drilled out of place after bending.

G* ·15 To be added if the holes are fair and good in the circumferential seams, but drilled before bending.

H ·15 To be added if the holes are fair and good in the circumferential seams, but punched after bending.

I* ·2 To be added if the holes are fair and good in the circumferential seams, but punched before bending.

J† ·2 To be added if the holes are not fair and good in the circumferential seams.

K ·2 To be added if double butt straps are not fitted to the longitudinal seams, and the said seams are lap and double riveted.

L ·1 To be added if double butt straps are not fitted to the longitudinal seams, and the said seams are lap and treble riveted.

M ·3 To be added if only single butt straps are fitted to the longitudinal seams, and the said seams are double riveted.

N ·15 To be added if only single butt straps are fitted to the longitudinal seams, and the said seams are treble riveted.

O 1·0 To be added when any description of joint in the longitudinal seams is single riveted.

P ·1 To be added if the circumferential seams are fitted with single butt straps and are double riveted.

Q ·2 To be added if the circumferential seams are fitted with single butt straps and are single riveted.

R ·1 To be added if the circumferential seams are fitted with double butt straps and are single riveted.

S ·1 To be added if the circumferential seams are lap joints and are double riveted.

---

† When marked † the factor of safety should be increased still further if the workmanship or material is very doubtful or is very unsatisfactory.

* See foot-note on previous page.

T ·2 To be added if the circumferential seams are lap joints and are single riveted.

U ·25 To be added when the circumferential seams are lap, and the strakes of plates are not entirely under or over.

V* ·3 To be added when the boiler is of such a length as to fire from both ends, or is of unusual length, as in the case of flue boilers: and the circumferential seams fitted as described opposite P. R. and S; but of course when the circumferential seams are as described opposite Q and T, V. ·3 will become V. ·4.

W† ·4 To be added if the seams are not properly crossed.

X† ·4 To be added when the iron is in any way doubtful, and the Inspector is not satisfied that it is of the best quality.

Y‡ 1·65 To be added if no certificate is produced from a Chief Engineer of a recognised Boiler Insurance Company or if the boiler was not open to inspection during the whole peri d of its construction by the Inspectors of any recognised Boiler Insurance Company.

When the circumferential seams are double strapped and double riveted or lapped and treble riveted, and the calculated strength, not less than 65 per cent. of the solid plate V, ·3 may be omitted as heretofore.

The strength of the ordinary joints is found by the following method :—

$$\frac{(\text{Pitch}-\text{Diameter of rivet})\ 100}{\text{Pitch}} = \text{Percentage of strength of plate at}$$

joint as compared with the solid plate*

For the maximum pitch of rivets, see Appendix.

$$\frac{(\text{Area of rivet} \times \text{No. of rows of rivets})\ 100}{\text{Pitch} \times \text{thickness of plate}} = \text{Percentage of strength of rivets as}$$

compared with the solid plate*

* When boilers are comparatively short, the cases should be submitted to the Chief Engineer for consideration as to the omission of V as heretofore.

Welded seams in shells receivers or domes of iron boilers shall be considered as having a strength not exceeding 70 per cent of the solid plate.

† When marked † the factor of safety should be increased still further if the workmanship or material is very doubtful or is very unsatisfactory.

‡ *The recognition of a certificate under this Rule is limited to new boilers when first licensed and to boilers not more than 10 years old provided they have not shown any defect during that period; should the plates of a boiler have become pitted or unduly scaled when exposed to the impact of flame or should the material have become deteriorated or should the boiler be one which was not subject to periodical inspection or cannot be efficiently examined internally it will be in the discretion of the Inspector to increase the factor of safety as above.*

* If the rivets are exposed to double shear multiply the percentage as found by 1·75.

Then take iron as equal to 47,000 lb. per square inch and use the smaller of the two percentages as the strength of the joint, and adopt the factor of safety as f und from the preceding scale.

$$\frac{\dfrac{(47,000 \times \text{percentage of strength of joint})}{\text{Inside diameter}} \times \text{twice the thickness of the plate in inches}}{\text{of the boiler in inches} \times \text{factor of safety}} = \text{Pressure to be allowed per square}$$

inch on the safety valves.

In the case of ordinary zigzag riveting the strength through the plate diagonally between the rivets, when diagonal pitch $= 6/10$ horizontal pitch $+ 4/10$ diameter of rivet.

Plates that are drilled in place must have been taken apart and the burr taken off and the holes slightly countersunk from the outside.

Butt straps must have been cut from plates and not from bars, and must be of as good a quality as the shell plates, and for the longitudinal seams,* must be cut across the fibre. The rivet holes may have been punched or drilled when the plates are punched or drilled out of place, but when drilled in place must have been taken apart and the burr taken off and slightly countersunk from the outside.

When single butt straps are used and the rivet holes in them punched, they must be one-eighth thicker than the plates they cover.

The diameter of the rivets must not be less than the thickness of the plates of which the shell is made, but it will be found when the plates are thin, or when lap joints or single butt straps are adopted, that the diameter of the rivets should be in excess of the thickness of the plates

Dished ends must be stayed as flat surfaces; but when they are theoretically equal to the pressure needed, when considered as portions of spheres, the stays when solid may have a stress of 14,000 lb. per square inch of net section, but the stress should not exceed 10,000 lb. when the stays have been welded or worked in the fire.

Truly hemispherical ends subjected to internal pressure may be allowed double the pressure that is suitable for a cylinder of the same diameter and thickness.

All man-holes and openings must be stiffened with compensating rings of at least the same effective sectional area as the plates cut out, and in no case should the plate rings be less in thickness than the plates to which they are attached. The openings in the shells of cylindrical boilers should have their shorter axes placed longitudinally. It is very desirable that the compensating rings round openings in flat surfaces be made of L or T iron. Cast iron doors are not to be passed.

The neutral part of boiler shells under steam domes must be efficiently stiffened and stayed, as serious accidents have arisen from the want of such precautions.

21. New boilers are to be tested by hydraulic pressure according to the following scale :—

Boilers intended to work up to 100 lb. pressure per square inch or any pressure below that are to be tested to double the working pressure.

Above lb.	100	up to lb.	125	to be tested to lb.	200
,,	125	,,	150	,,	230
,,	150	,,	175	,,	250
,,	175	,,	200	,,	270
,,	200	,,	225	,,	290
,,	225	,,	250	,,	310
,,	250	,,	275	,,	330
,,	275	,,	300	,,	350

Any boilers intended for working pressure above these to be tested to not less than 50 lb. above such working pressure.

In the case of old boilers the Inspector must use his own judgment as to the necessary pressure to be applied

22. Circular furnaces with the longitudinal joints welded or made with a butt strap *double riveted or double butt straps single riveted.*

$$\frac{90{,}000 \times \text{the square of the thickness of the plate in inches}}{(\text{Length in feet} + 1) \times \text{diameter in inches.}} =$$

working pressure per square inch, provided it does not exceed that found by the following formula :—

$$\frac{9{,}000 \times \text{thickness in inches}}{\text{diameter in inches}} = \text{Working pressure per square inch.}$$

The second formula limits the crushing stress on the material to 4,500 lb. per square inch.

The length is to be measured between the rings if the furnace is made with rings.

If the longitudinal joints instead of being butted are lap-jointed in the ordinary way, then 75,000 is to be used instead of 90,000, excepting only where the lap is bevelled and so made as to give the flues the form of a *true* circle, when 80,000 may be used.

When the material or the workmanship is not of the best quality, the constants given above must be reduced, that is to say, the 90,000 will become 80,000, the 80,000 will become 70,000, the 70,000 will become 60,000; when neither the

material nor the workmanship is of the best quality, such constants will require to be further reduced, according to circumstances and the judgment of the Inspector, as in the case of old boilers. One of the conditions of best workmanship is that the joints are double riveted with double butt straps, or single riveted with double butt straps, and the holes, drilled after the bending is done and when in place and the plates afterwards taken apart, the burr on the holes taken off and the holes slightly countersunk from the outside. †

The working pressure for corrugated furnaces, practically circular and machine made, provided the plane parts at the ends do not exceed 6 inches in length, and the plates are not less than 5/16ths of an inch thick, should not be greater than that found by the following formula :—

$$\frac{9{,}000 \times \text{thickness in inches}}{\text{Mean diameter in inches}} = \text{Working pressure per square inch.}$$

The strength of the joints of cylindrical superheaters and the factor of safety are found in a similar manner as for cylindrical boilers and steam receivers, but instead of using 47,000 lb. as the tensile strength of iron 30,000 lb. is adopted, unless where the heat or flame impinges at or nearly at right angles to the plate, when 22,400 lb. is substituted.

---

† The following examples will serve to show the application of the constants for the different cases that may arise :—

Furnaces with butt joints and drilled rivet holes—

90,000	where the longitudinal seams are welded.					
90,000	,,	,,	,,	double riveted and	fitted with	single butt straps
80,000	,,	,,	,,	single	,,	single
90,000	,,	,,	,,	,,	,,	double

Furnaces with butt joints and punched rivet holes—

85,000	where the longitudinal seams are double riveted and fitted with single butt straps					
75,000	,,	,,	,,	single	,,	single
85,000	,,	,,	,,	,,	,,	double

Furnaces with lapped joints and drilled rivet holes

80,000	where the longitudinal seams are double riveted and bevelled.				
70,000	,,	,,	,,	,,	and not bevelled.
70,000	,,	,,	,,	single	and bevelled.
65,000	,,	,,	,,	,,	and not bevelled.

Furnaces with lapped joints and punched rivet holes—

75,000	where the longitudinal seams are double riveted				and bevelled.
70,000	,,	,,	,,	,,	and not bevelled.
65,000	,,	,,	,,	single	and bevelled.
60,000	,,	,,	,,	,,	and not bevelled.

In the case of upright fireboxes of donkey or similar boilers 10 per cent. should be deducted from the constants given above, applicable to the respective classes of work.

When a superheater is constructed with a tube subject to external pressure, the working pressure should be ascertained by the Rules given for circular furnaces, but the constants should be reduced as 30 to 47.

In all cases the internal steam pipe should be so fitted that the steam in flowing to them will pass over all the plates which have steam in contact with them, and are exposed to the impact of the heat or flame. Superheaters should, as regards survey, be deemed to be the most important part of the boilers and must be inspected inside and outside; those that cannot be entered on account of their size of arrangement, must have a sufficient number of doors through which a thorough inspection of the whole of the interior can be made. Special attention should be paid to the survey of superheaters as with high pressures the plates may become dangerously weak and not give any sound to indicate their state when tested with a hammer; the plates should therefore be occasionally drilled. Drilling of furnace and the lower parts of combustion box plates, shell plates, etc., should of course be done when considered necessary in order to ascertain their actual thickness. If flaming is found to be of frequent occurrence in any boiler, extra care must be taken in the survey and in fixing the pressure to be allowed as the tensile strength of plate when heated is often reduced to about 4 tons per square inch. Rain pipes must in all cases be fitted to superheaters in which a collection of water in the bottom is possible. Superheaters that can be shut off from the main boilers should be fitted with a parliamentary safety-valve of sufficient size, but the least size passed without special sanction of the Chief Engineer should be three inches in diameter.

The flat ends, etc., of all boilers, as far as the steam space extends and the ends of superheaters should be fitted with shield or baffle plates where exposed to the hot gases in the uptake.

As the uptakes of haystack boilers and others of similar type are especially liable to injury from overheating unless careful precautions are taken while steam is being raised, the Inspector must in all cases persuade makers and owners of such boilers to make the strength of uptakes considerably in excess of that required for ordinary superheaters subject to external pressures.

The employment of Bowling rings is beneficial by adding to the strength as well as allowing for expansion, but, if there is a difficulty in getting these fitted, hoops riveted round, although not so desirable as

Bowling rings, can be employed to increase the resistance of the tubes against collapse. The use of Bowling rings with a moderate thickness of plate is better than very thick plating. This applies to the uptakes of all boilers of this type including ordinary vertical donkey boilers. Bowling rings fitted to all such uptakes would be a decided advantage in allowing for expansion. When flaming-coal is used extra care is required and extra strength absolutely necessary.

Steel Boilers.

22. For steel boilers the Rules for iron boilers may be *varied* as follows:—

The constants for flat surfaces when they are supported by stays screwed into the plate and riveted, 10 per cent. The constants for flat surfaces when they are supported by stays screwed into the plate and nutted, or when the stays are nutted in the steam space, 25 per cent. This is also applicable to the constants for flat surfaces stiffened by riveted washers or doubling strips, and supported by nutted stays.

The constants for combustion box girders, 10 per cent.

The constants for plain furnaces, 10 per cent.

In cases where the Inspector is satisfied from tests made on the steel from which the boiler has been constructed that it is of a certain tensile strength per square inch, that strength may be substituted for the 47,000 lb. (allowed for iron plates) in the formula given in Rule 20, but in no case is a greater strength than 32 tons (71,680 lb.) to be allowed. In other cases, provided there is sufficient proof that the boiler is of steel, a minimum of 26 tons may be used.

Solid steel screwed stays which have not been welded or otherwise worked after heating may be allowed a working stress of 9,000 lb. per square inch of net section. Steel stays which have been welded or worked in the fire have been found to be unreliable; therefore they should not be passed.

Furnace corrugated or ribbed and grooved.

23. (*a*) *When furnaces are machine made by The Leeds Forge Company, of the Fox corrugated and Morison suspension types, or by Messrs. John Brown & Co., Sheffield, of the Purves ribbed and grooved type, if they are practically true circles, and the plates not less than 5/16 ths of an inch thick the working pressure is found by following formula:—*

$$\frac{C \times T}{D} = \textit{working pressure.}$$

C =*14,000 for Fox's corrugated ad Brown's ribbed and grooved furnaces.*

C =*13,500 for Morison's suspension furnace.*

T =*thickness in inches.*

D =*outside diameter in inches, measured at the bottom of the corrugations when the furnace is of the corrugated or suspension type, or over the plain parts when it is of the ribbed and grooved description.*

In Fox's corrugated furnaces, the pitch of the corrugations and the length of the plain parts at the ends should not exceed 6 inches, and in Morison's suspension furnaces the pitch should not exceed 8 inches, and the length at the ends 5 inches. In both description of furnaces the depth from top of corrugations outside to bottom of corrugations inside should not be less than 2 inches, and the plates at the ends should not be unduly thinned in the flanging.

The plates of ribbed and grooved furnaces should be formed by rolling, the ribs should not be less than 1 $\frac{5}{16}$ inches above the plain parts, and the depth of the grooves not more than 3/4 inch, the length between the centres of the ribs not over 9 inches, and that of the plain parts at the ends not over 6 inches, and the ends rolled slightly thicker than the plain parts, and not reduced at any part by flanging, etc., below the thickness of the body of the furnace.

If the furnace is riveted in one or more lengths, the case should be submitted for consideration of the Chief Engineer.

Furnaces made up of flanged rings.

23. (*b*) When horizontal furnaces of ordinary diameter are constructed of a series of rings welded longitudinally, and the ends of each ring flanged and the rings riveted together, and so forming the furnace, the working pressure is found by the following formula, provided the length in inches between the centres of the flanges* of the rings is not greater than (120 T—12), and the flanging is performed at one heat by a suitable flanging machine, and also the conditions which follow the formula are complied with :—

$$\frac{9{,}900 \times T}{3 \times D}\left\{5 - \frac{L+12}{60 \times T}\right\} = \text{Working pressure.}$$

T = thickness of plate in inches.

L = length between centre of flanges in inches.

D = outside diameter of furnace in inches.

The radii of the flanges on the fire side should be about $1\frac{1}{2}$ inches. The depth of the flanges from the fire side should be three times the diameter of the rivet plus $1\frac{1}{2}$ inches and the thickness of the flanges should be as near the thickness of the body of the plate as practicable. The distance from the edge of the rivet holes to the edge of the flange should not be less than the diameter of the rivet, and the diameter of the rivets at least 3/8 the of an inch greater than the thickness of the plate. The depth of the ring between the flanges should be not less than three times the diameter of the rivets, the fire edge of the ring should be about the termination of the curve of flange, and the thickness not less than half the thickness of the furnace plate. Turned rings are such as may be considered a first-class method of construction.

The holes in the flanges and rings should be drilled in place if practicable, but if not drilled in place they should be drilled sufficiently small, and afterwards when in place rimered out until the holes are quite fair; the holes should be slightly tapered and the heads of the rivets, of moderate size.

After all the welding, flanging and heating is completed, each ring should be efficiently annealed in one operation.

Compressive stress on tube plates.

23 (c) *A greater compressive stress should not be allowed on tube plates than 10,000 lbs., which is that used in the following formula.—*

$$\frac{(D-d)\,T \times 20{,}000}{W \times D} = \text{working pressure.}$$

D = least horizontal distance between centres of tubes in inches.

d = inside diameter of ordinary tubes in inches

T = thickness of tube plate in inches.

W = extreme width of combustion box in inches from front of tube plate to back of fire box, or distance between combustion-box tube plate when boiler is double-ended and the box common to the furnaces at both ends.

Plate and rivet section.

24 (d) *When full allowance is wished, the rivet section, if iron, in the longitudinal seams of cylindrical shells should, when those seams are lapped, be at least 13/8 times the net plate section, and if steel rivets are used, their section should be at least 23/23 of the net section of the plate, if the*

tensile stress of the rivets is not less than 26 tons and not more than 32 tons per square inch. In calculating the working pressure, the percentage strength of the rivets may be found in the usual way by the Rules, but in the case of iron rivets the percentages found should be divided by 13/8, and in the case of steel rivets by 28/23, the results being the percentages required. If the percentage strength of the rivets by calculation is less than the calculated percentage strength of the plate, calculate the working pressure by both percentages. When using the percentage strength of the plate 4·5 plus the additions suitable for the method of construction as per Rule 20 for iron boilers, may be used as the nominal factor of safety, but when using the percentage strength of the rivets 4·5 may be used as the factor of safety. The less of the two pressures so found is the working pressure to be allowed for the cylindrical portion of the shell. See formulae in Appendix.

Boilers—General.

24. Small boilers must be surveyed and be fitted the same way as the main boilers, and have a water and steam gauge, and all other fittings complete, and as regards safety-valves, must comply with the same regulations as the main boilers.

25. No boiler or steam chamber is to be so constructed, fitted, or arranged that the escape of steam from it through the safety-valve can be wholly, or partially, intercepted by the action of any other valve.

A stop-valve must always be fitted between the boiler and the steam pipe, and, where two or more boilers are connected with a steam receiver or superheater, between each boiler and the superheater or steam receiver. The object of this is obvious, *viz.*, to avoid the failure of all the boilers through the failure of one. The necks of stop-valves should be as short as practicable.

26. Each boiler must be fitted with a glass water-gauge, at least two test cocks and steam-gauge, that is to say, each boiler must be fitted with all fittings as complete as if there were only one boiler. When a factory has more than one boiler, and these boilers are fitted with stop-valves, each boiler must be treated as a separate one, and have all the requisite fittings.

27. On every inspection of a steam boiler the Inspector shall, if the boiler. is large enough, go inside it, and make a thorough examination of it.

When the boilers are not large enough for the Inspector to get into, he should see them tested by hydraulic pressure at every annual inspection at least. The hydraulic test should also be applied at every inspection if the Inspector considers it necessary.

Whenever it is only removable stays that prevent getting in, he must order their removal, and he must see them properly replaced before granting his declaration.

If any part of a main boiler near the uptake fire boxes or furnaces is so constructed that the Inspector cannot examine it, he is not to give a declaration, but shall report the case to the Chief Engineer.

If, for special reasons, and for special reasons only, the Inspector cannot go inside a small boiler, he must distinctly state on the face of his declaration his reasons for not being able to do so.

28. If the boiler is too hot for the Inspector to examine the inside efficiently, and with safety and convenience, he should decline to examine the boiler, and absolutely refuse to grant a certificate, until he can make an efficient internal examination.

29. Before testing a boiler the Inspector shall examine it, take the necessary measurements, and calculate what the working pressure should be in accordance with the regulations, and only test it with reference to that pressure in accordance with Rule 21. If the test is not satisfactory, the pressure must be proportionately reduced.

This course will enable any necessary alterations to be made by the owners and prevent delay or disappointment. The Inspector who grants the certificate should not increase the working pressure without first consulting the Chief Engineer.

The Inspector who grants the certificate must examine the boilers thoroughly, and, in the absence of special instructions from the Chief Engineer, will be held responsible for the pressure allowed.

30. The Inspector shall see all new boilers, and boilers that have been cleaned for a thorough repair, tested by hydraulic pressure, in accordance with Rule 21 previous to the boilers being set, and before they are covered in, to test the workmanship, &c.; but the working pressure is to be determined by the strength of stays, thickness of plates, and strength of riveting, &c., and not by the hydraulic test.

The hydraulic test should in no case exceed twice the calculated working pressure of the boiler, and it is never to be applied until the boiler has been examined and until the strength has been calculated from the necessary measurements taken from the boiler itself.

When the boilers are set, the Inspector may at any time he thinks it necessary, before he gives a certificate, have them tested by hydraulic pressure to satisfy himself as to any doubtful part, or of places not easy of access, care being taken in the case of old boilers not to overstrain them ; but the test must always exceed the working pressure.

The hydraulic test should, before a certificate is granted, be applied to all boilers that have not previously had a working certificate.

When a boiler is partially inspected by one Inspector, and the inspection is completed and a certificate granted by another, if the Inspector who witnesses the test of the boiler by hydraulic pressure, has an opportunity of examining it inside and outside after the test, such Inspector should determine the pressure to be allowed on the boiler in question, taking care to inform the makers, owners, or agents, and the Inspector who is ultimately to grant a certificate, what pressure should in his opinion be allowed on it. In the event of the original Inspectors having no opportunity to examine the boiler inside and out after the hydrostatic test, the Inspector must re-test the boiler by water and examine the boiler inside and out before determining the working pressure and granting a certificate.

The amount of the hydraulic pressure test, and the date on which it was last applied to the boiler, should be inserted in the Inspector's certificate, and recorded in the dimension sheet of that boiler.

Inspectors should pay particular attention to the examination and testing of steam pipes and economisers.

The working pressure of well-made copper pipes when the joints are brazed is found by the following formula:—

$$\frac{6000 \times (T - 1/16)}{D} = \textit{working pressure.}$$

T = thickness in inches.

D = diameter inside in inches.

When the pipes are solid drawn and not over 8 inches diameter, substitute in the foregoing formula 1/32 for 1/16.

The internal pressure on wrought-iron pipes made of good material and lap welded, may be determined by the following formula, provided that the thickness is not less than ¼ inch and the workmanship, by hydraulic test, &c., satisfactory:—

$$\frac{6000 \times T}{D} = \textit{working pressure.}$$

T = thickness in inches.

D = inside diameter in inches.

Feed pipes should be made sufficient for a pressure 20 per cent. in excess of boiler pressure.

In all cases in which a socket expansion joint is fitted to a bent steam pipe, the Inspector should require a fixed gland and bolts to be fitted, in order to prevent the end of the pipe being forced out of the socket. This regulation should be complied with in all cases of bent pipes fitted with socket expansion joints. Fixed glands and bolts should be fitted to the expansion joints of straight steam pipes, as cases have occurred, particularly with small straight pipes, in which the ends of the pipes have been forced out of the sockets.

31. In all boilers in which the Inspector finds that cast-iron is employed in such a manner as to be subject to the pressure of steam or water, he shall report the circumstances to the Chief Engineer in order that he may obtain instructions how to act. Cast-iron must not be used for stays, and the Inspector should discourage the use of cast-iron saddles for boilers.

32. A pressure once allowed on a boiler is not, *under any circumstances whatever*, to be increased unless the Inspector has previously written for and obtained the sanction of the Chief Engineer.

In case the Inspector is of opinion that an increased pressure may with safety be allowed, he shall communicate with the Inspector who last inspected the boiler; and if on learning the reasons why the existing pressure was formerly allowed, the Inspector is still of opinion that it may be increased, he should communicate all the facts of the case to the Chief Engineer; but, as above stated, the pressure shall not in any case be increased until the question has been decided by him.

Safety-Valves.

33. The Inspector is instructed that, in all *new boilers*, and whenever *alterations can be easily made*, the safety-valve and stop-valve should be placed directly on the boiler; and the neck, or part between the valve and the flange which is bolted on to the boiler, should be as short as possible.

The Inspector should note that it is not intended by this instruction that old boilers which have been previously passed with such an arrangement should be thrown out of work for the alterations to be carried out.

Of course in any case in which the Inspector is of opinion that it is positively dangerous to have a length of pipe between the boilers and the safety-valve, it is his duty at once to insist on the requisite alterations being made before granting a declaration.

The Inspector shall declare, amongst other things, the limits of the weight to be placed on the safety-valves, and that the safety-valves are such and in such condition as the circumstances of the case demand.

34. The area of safety-valves per square foot of fire grate surface (or when there is more than one safety-valve on the boiler) the combined area of the safety-valves should be not less than that given in the following tables opposite the boiler pressure intended, provided the valves are not less than two inches in diameter. This applies to new boilers which have not received a working certificate.

In ascertaining the fire grate area, the length of the grate should be measured from the inner edge of the dead plate to the front of the bridge, and the width from side to side of the furnace on the top of the bars at the middle of their length.

If there is only one safety-valve on a main boiler, the Inspector should not grant a certificate without first referring the case to the Chief Engineer for special instructions.

In the case of small boilers, if it is wished to fit valves smaller than two inches diameter, the case should be submitted for the consideration of the Chief Engineer.

Safety-valve Areas.

Boiler pressure.	Area of valve per square foot of fire grate.	Boiler pressure.	Area of valve per square foot of fire grate.	Boiler pressure.	Area of valve per square foot of fire grate.
L. B.	SQ. INCH.	L. B.	SQ. INCH.	L. B.	SQ. INCH.
15	1·250	66	·462	117	·284
16	1·209	67	·457	118	·281
17	1·171	68	·45[illegible]	119	·279
18	1·136	69	·446	120	·277
19	1·102	70	·441	121	·275
20	1·071	71	·436	122	·273
21	1·041	72	·431	123	·271
22	1·013	73	·426	124	·269
23	·986	74	·421	125	·267
24	·961	75	·416	126	·265
25	·937	76	·412	127	·264
26	·914	77	·407	128	·262
27	·892	78	·403	129	·260
28	·872	79	·398	130	·258
29	·852	80	·394	131	·256
30	·833	81	·390	132	·255
31	·815	82	·386	133	·253
32	·797	83	·382	134	·251
33	·781	84	·378	135	·250
34	·765	85	·375	136	·248
35	·750	86	·371	137	·246
36	·735	87	·367	138	·245
37	·721	88	·364	139	·243
38	·707	89	·360	140	·241
39	·694	90	·357	141	·240
40	·681	91	·353	142	·238
41	·669	92	·350	143	·237
42	·657	93	·347	144	·235
43	·646	94	·344	145	·234
44	·635	95	·340	146	·232
45	·625	96	·337	147	·231
46	·614	97	·334	148	·230
47	·604	98	·331	149	·228
48	·595	99	·328	150	·227
49	·585	100	·326	151	·225
50	·576	101	·323	152	·224
51	·568	102	·320	153	·223
52	·559	103	·317	154	·221
53	·551	104	·315	155	·220
54	·543	105	·312	156	·219
55	·535	106	·309	157	·218
56	·528	107	·307	158	·216
57	·520	108	·304	159	·215
58	·513	109	·302	160	·214
59	·506	110	·300	161	·213
60	·500	111	·297	162	·211
61	·493	112	·295	163	·210
62	·487	113	·292	164	·209
63	·480	114	·290	165	·208
64	·474	115	·288	166	·207
65	·468	116	·286	167	·206

Safety-valve Areas.—Concld.

Boiler pressure.	Area of valve per square foot of fire grate.	Boiler pressure.	Area of valve per square foot of fire grate.	Boiler pressure.	Area of valve per square foot of fire grate.
L. B.	SQ. INCH.	L. B.	SQ. INCH.	L. B.	SQ. INCH.
168	·204	179	·193	190	·182
169	·203	180	·192	191	·181
170	·202	181	·191	192	·181
171	·201	182	·190	193	·180
172	·200	183	·189	194	·179
173	·199	184	·188	195	·178
174	·198	185	·187	196	·177
175	·197	186	·186	197	·176
176	·196	187	·185	198	·176
177	·195	188	·184	199	·175
178	·194	189	·183	200	·174

35. The Inspector, in his examination of the boilers and appurtenances, is particularly to direct his attention to the safety-valves, and whenever he considers it necessary, he is to satisfy himself as to the pressure on the boiler by actual trial.

The Inspector is to fix the limits of the weight to be placed on the safety valves, and the responsibility of issuing a certificate before he is fully satisfied on the point is very grave. The Inspector is to examine the whole of the valves, weights, and springs at every inspection.

The responsibility of seeing to the efficiency of the mode by which the valves are fitted so as to be as much as practicable under the control of the Engineer when steam is up, rests with the Inspector.

The safety-valve should be fitted with lifting gear, which should in all cases be arranged so that it can be worked by hand.

Care should be taken that the safety-valves have a lift equal to at least one-fourth their diameter; that the openings for the passage of steam to and from the valves, including the waste steam pipe, should each have an area not less than the area of valves required, and that each valve-box has a drain pipe fitted at its lower part. In the case of lever valves, if the lever is not bushed with brass, the pins must be of brass; iron and iron working together must not be passed. Too much care cannot be devoted to seeing that there is proper lift, and free means of escape of waste steam, as it is obvious that unless the lift and means for escape of waste steam are ample, the effect is the same as reducing the area of the valve or putting on an extra load. The valve seats should be secured by studs and nuts.

The Inspector shall, as far as in his power, make those points generally known to the owners of steam boilers.

Safety valves that are spring loaded.—The size of the steel of which the springs are made must be in accordance with that found by the following formula :—

$$\sqrt[3]{\frac{S \times D}{C}} = d$$

S = the load on the spring in lb.

D = the diameter of the spring (from centre to centre of wire) in inches.

d = the diameter, or side of square of the wire in inches

C = 8000 for round steel.

C = 11,000 for square steel.

The springs shall be protected from the steam and impurities issuing from the valves.

When valves are loaded by direct springs the compressing screws shall abut against metal stops or washers when the loads sanctioned by the Inspector are on the valves

The springs shall have a sufficient number of coils to allow a compression under the working load of at least one quarter the diameter of the valve.

36. When the Inspector has determined the amount of pressure, he is to see the valves weighted accordingly and the weights or springs fixed in such a manner as to preclude the possibility of their shifting or in any way increasing the pressure. The limit of the weight on the valves is to be inserted in the declaration, and should it at any time come to the Inspector's knowledge that the weights or the loading of the valves have been shifted, or otherwise altered or that the valves have been in any way interfered with, so as to increase the pressure, without the sanction of the Chief Engineer, he is at once to report the facts.

APPENDIX.

(See last paragraph of Rule 23.)

CYLINDRICAL BOILER SHELLS.

JOINTS WITH DRILLED HOLES.

Formulae for ordinary chain-riveted and ordinary zigzag-riveted joints, and for joints of these descriptions, when every alternate rivet in the outer or in the outer and inner rows has been omitted—

Let E = distance from edge of plate to centre of rivet in inches,

V = distance between rows of rivets in inches.

V_1 = distance between inner and middle row of rivets in inches for joints J and K.

B = boiler pressure in lb. *per square inch.*

C = 1 for lap or single butt joints.

C = 1·75 for the double butt joints.

d = diameter of rivets in inches.

D = inside diameter of boiler in inches.

F = factor of safety for shell plates, as by Rules 20 and 23 (d).

n = number of rivets in one pitch.

p_D = diagonal pitch in inches.

P_D = diagonal pitch in inches, between inner and middle rows of rivets in inches for joint J.

p = greatest pitch of rivets in inches.

r = percentage of plate left between holes in greatest pitch.

R = percentage value of rivet section.

R_1 = percentage of combined plate and rivet section.

S = tensile strength of material in lb. per square inch of section.

T = thickness of plate in inches.

T_1 = thickness of each butt-strap in inches.

% = least value of r, R, R_1 as the case may be, divided by 100.

When joints are used in boiler construction other than those for which formulae are given below, or when any of the rivets are pitched less than two diameters apart, the particulars of such joints should be submitted for the consideration of the Chief Engineer.

ORDINARY CHAIN AND ZIGZAG RIVETED JOINTS.

Iron plates and iron rivets or steel plates and steel rivets.

$$\frac{100\,(p-d)}{p}=r.$$

Iron plates and iron rivets;

$$\frac{100\times d^2\times \cdot 7854\times n\times C}{p\times T}=R.$$

Steel plates and steel rivets.

$$\frac{100\times 23\times d^2\times \cdot 7854\times n\times C\times F}{4\cdot 5\times 28\times p\times T}=R.$$

GIVEN C, d, F, n, TO FIND p, SO THAT r AND R ARE EQUAL.

Iron plates and iron rivets :

$$\frac{d^2 \times \cdot 7854 \times n \times C}{T} + d = p.$$

Steel plates and steel rivets :

$$\frac{23 \times d^2 \times \cdot 7854 \times n \times C \times F}{4 \cdot 5 \times 28 \times T} + d = p.$$

GI EN C, F, n, T, r, TO FIND p AND d.

Iron plates and iron rivets ;

$$\frac{r \times T}{(100 - r) \times \cdot 7854 \times n \times C} = d.$$

$$\frac{100 \times r \times T}{(100 - r)^2 \times \cdot 7854 \times n \times C} = p$$

Steel plates and steel rivets ;

$$\frac{4 \cdot 5 \times 28 \times r \times T}{23 \times (100 - r) \times \cdot 7854 \times n \times C \times F} = d.$$

$$\frac{100 \times 4 \cdot 5 \times 28 \times r \times T}{23 \times (100 - r)^2 \times \cdot 7854 \times n \times C \times F} = p.$$

Iron plates and iron rivets or steel plates and steel rivets when d is found first then :

$$\frac{100\, d}{100 - r} = p.$$

BUTT-STRAPS.

Iron plates and iron butt-straps or steel plates and steel butt-straps :

Double butt-straps :

$$\frac{5 \times T}{8} = T_1.$$

Single butt-straps :

$$\frac{9 \times T}{8} = T_1.$$

FOR DISTANCE BETWEEN ROWS OF RIVETS, &C.

Iron and steel :

$$\frac{3 \times d}{2} = E.$$

Chain-riveted joints not less than :—

$$2 \times d = V.$$

See note at the end.

Zigzag-riveted joints :

$$\sqrt{\frac{(11p+4d)\ (p+4d)}{10}}=V.$$

Diagonal pitch :

$$\frac{6p+4d}{10}=p_D.$$

TO DETERMINE THE WORKING PRESSURE.

$$\frac{S\times\%\times 2\ T}{F\times D}=B.$$

CHAIN AND ZIGZAG RIVETED JOINTS IN WHICH EVERY ALTERNATE RIVET HAS BEEN OMITTED IN THE OUTER ROW, OR IN THE OUTER AND THE INNER ROWS.

Iron plates and iron rivets or steel plates and steel rivets:

$$\frac{100\ (p-d)}{p}=r.$$

Iron plates and iron rivets :

$$\frac{100\times d^2\times\cdot 7854\times n\times C}{P\times T}=R.$$

Steel plates and steel rivets :

$$\frac{100\times 23\times d^2\times\cdot 7854\times n\times C\times F}{4\cdot 5\times 28\times p\times T}=R.$$

Iron plates and iron rivets or steel plates and steel rivets ;

$$\frac{100\ (p-2d)}{p}+\frac{R}{n}=R_1.$$

BUTT-STRAPS

Where the number of rivets in the inner row is double the number in the outer row—

Iron plates and iron butt-straps or steel plates and steel butt-straps :

Double butt-straps :

$$\frac{5\times T\ (p-d)}{8\times(p-2d)}=T_1.$$

Single butt-straps :

$$\frac{9\times T\ (p-d)}{8\times\ (p-2d)}=T_1.$$

When the number of rivets in the inner row is the same as in the outer row—

Double butt-straps:

$$\frac{5 \times T}{8} = T_1.$$

Single butt-straps:

$$\frac{9 \times T}{8} = T_1.$$

FOR DISTANCE BETWEEN ROWS OF RIVETS, &C.

Iron and steel:

$$\frac{3 \times d}{2} = E.$$

Chain-riveted joints:—

$$\frac{\sqrt{(11p+4d)\ (p+4d)}}{10} = V.$$

or

$$2 \times d = V.$$

The greater of these two values of V to be used. See note at the end.

For joint K:

$2 \times d = V_1$. *See note at the end.*

Zigzag riveted joints;

$$\sqrt{(\tfrac{11}{20} p+d)\ (\tfrac{1}{20} p+d)} = V.$$

Diagonal pitch:

$$\tfrac{3}{10} p+d = p_D.$$

For joint J:

$$\frac{\sqrt{(11 p+8d)(p+8d)}}{20} = V_1.$$

Diagonal pitch:

$$\frac{3p+4d}{10} = P.$$

TO DETERMINE THE WORKING PRESSURE.

$$\frac{S \times \% \times 2\ T}{F \times D} = B.$$

Note.—The minimum value of V or V_1 for chain riveted joints is given as 2d, but $\frac{4d+1}{2}$ is more desirable.

MAXIMUM PITCHES FOR RIVETED JOINTS.

T = Thickess of plate in inches.

P = Maximum pitch of rivets in inches, provided it does not exceed 10 inches.

C = Constant applicable from the following table:—

Number of rivets in one pitch.	Constants for lay joints.	Constants for double butt-strap joints.
1	1·31	1·75
2	2·62	3·50
3	3·47	4·68
4	4·14	5·52
5	——	6·00

$$(C \times T) + 1\tfrac{5}{8} = p.$$

When the work is first class, such pitches may be adopted so far as safety is concerned, yet in some cases it may be well not to adopt the greatest pitch found by the formula. The maximum pitch should not, however, exceed 10 inches with the thickest plates for boiler shells. If in any case the pitch is found to exceed that arrived at by the foregoing formula, for the particular description of joint and thickness of plate, such pitches should not be passed, but in all cases reported to the Chief Engineer.

Government directs that the registry number of every boiler shall be cut in the front plate thereof in such position as shall be pointed out by the Inspector. The device to be so cut shall consist of the letters "T. G." above the letters "No." and divided from them by a horizontal line; the letters "No." to be followed by the registry number in figures, the letters being at least one-half of an inch, and the figures at least one and a quarter inch, in height; the whole to be enclosed in a rectangular figure one sixteenth of an inch clear from the letters and figures; thus—

T. G.
——148.
No.

The engraving shall be not less than one-sixtyfourth of an inch deep.

NOTIFICATION H.

Government prescribes the following as the form in which licenses shall be granted by the Chief Engineer.

LICENSE.

Name of owner.	Registry number and description of boiler and age.	Nominal horse-power.	When and where made.	When and where last repaired.	Time for which this license is to be in force.	Maximum pressure at which the boiler may be worked.	Remarks.

GOVERNMENT NOTIFICATIONS.

(1)

Under Section 23 of Regulation III of 1082.

(Dated 13th January 1925.)

In modification of the Rules passed by the Government, under date the 22nd February 1919, under Section 23 of the above Regulation, it is notified that all the duties and powers prescribed to be discharged and exercised by the Chief Engineer in those Rules shall hereafter be discharged and exercised by the Director of Industries.— *T. G. G., dated 20-1-1925, Pt. IV, Industries Dept.*

(2)

No. J. 1483 dated 16th February 1918.)

Under sanction of His Highness the Maha Raja, it is hereby notified, under Sub-section 3 of Section 1 of the Steam-Boilers and Prime-Movers Regulation, III of 1082, that the said Regulation is brought into force throughout the State.

T. G. G., dated 26-2-1918, Pt. I, P. 297.

(3)

(No. P. W. 2569/1380 of '09, dated 8th May 1919.)

Under Section 4 of the "Travancore Steam-Boilers and Prime-Movers Regulation, III of 1082," it is hereby notified that, on and after the 1st of Thulam 1095, no boiler or prime-mover should be used without the required license. Any one using the same without being in possession of the required license shall be liable to be dealt with under Section 21 of the above said Regulation.

Applications or notices under Section 5 of the Regulation for the examination of the boilers and prime-movers *shall be made as early as possible* to the Chief Inspector of Boilers, Trivandrum. As laid down in para 8 of the Rules for the working of the Regulation, published under Government Notification P. W. 916/1380 of '09, dated 22-2-1919, all such applications shall invariably be accompanied by treasury receipts or money order acknowledgments for the prescribed examination fees as per para 11 of the Rules. For purposes of easy reference the prescribed fees are noted below:—

i.	For the examination of each boiler not exceeding	10 N. H. P. ...	Rs. 15.
ii.	„ „	20 N. H. P. ...	Rs. 20.
iii.	„ „	30 N. H. P. ...	Rs. 30.
iv.	„ „	50 N. H. P. ...	Rs. 40.
v.	„ exceeding	50 N. H. P. ...	Rs. 50.

T. G. G., dated 13-5-1919, Pt. I, P. 611.

REGULATION IV OF 1082.

A Regulation to amend the Code of Criminal Procedure as amended by Regulations II and III of 1074

Passed by His Highness the Maha Raja of Travancore on the 6th August 1907 corresponding with the 22nd Karkatakom 1082, under Section 13 of Regulation V of 1073.

Whereas it has been found necessary to modify and supplement the provisions of the existing Code of Criminal Procedure; We are pleased to enact as follows:—

I. Section 21. Insert the following at the end of this Section:—

"Such powers are called their ordinary powers."

II. The following shall be inserted after Section 21 and numbered 21-A:—

Additional powers conferrable on first and second class Magistrates.

"In addition to his ordinary powers, any Magistrate of the first or second class may be invested by Our Government with any powers specified in the fourth Schedule as powers with which he may be invested by Our Government."

III. The following shall be inserted as Chapter XXI-A:—

"Of Summary Trials.

236-A. Notwithstanding anything contained in this Code,—

Power to try summarily.

(1) the District Magistrate, or

(2) any Magistrate of the first or second class, specially empowered in this behalf by Our Government,

may, if he think fit, try in a summary way all or any of the following offences:—

(*a*) offences under Section 23 of the Police Regulation (IV of 1056);

(*b*) offences under the Towns Conservancy and Improvement Regulation (III of 1076);

(*c*) abetment of any of the foregoing offences;

(*d*) an attempt to commit any of the foregoing offences, when such attempt is an offence.

Power to change nature of trial.

236-B. When in the course of a summary trial, it appears to the Magistrate that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate shall recall any witnesses who may have been examined and proceed to rehear the case in the manner provided by this Code for ordinary trials.

Procedure for summons-cases applicable.

236-C. In trials under this Chapter, the procedure prescribed for summons-cases shall be followed except as hereinafter mentioned.

The Magistrate need not record the evidence of the witnesses in full, but shall record the substance thereof, and shall also enter in such form as Our Government may direct, the following particulars:—

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the full name and residence of the accused;

(*f*) the offence complained of and the offence (if any) proved;

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and in case of conviction, a brief statement of the reasons therefor;

(*i*) the sentence or other final order; and

(*j*) the date on which the proceedings terminated.

236-D. No sentence of imprisonment for a term exceeding one month shall be passed in the case of any conviction under this Chapter.

Limit of imprisonment.

236-E. Record made under Section 236-C shall be written by the Magistrate either in English or in the language of the Court."

Language of record and judgment.

IV. The following shall be inserted as Section 281-A:—

" Where proceedings are submitted to a District Magistrate as provided by Section 433-A, such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken."

Procedure in cases submitted by Magistrate not empowered to act under Section 433-A.

V. The following shall be inserted as para 2 of Section 308:—

"The District Magistrate may direct that any appeal under this Section or any class of such appeals shall be heard by any Magistrate of the first class subordinate to him and empowered by Our Government to hear such appeals, and thereupon such appeal or class of appeals may be transferred to such subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so transferred."

Transfer of appeals to first class Magistrate.

VI. Section 309 shall be recast as follows:—

"Any person convicted or sentenced on a trial held by a District Magistrate or other Magistrate of the first class, or by a District Magistrate under Section 260 or Section 281-A may appeal to the Court of Session."

Appeals from sentence of Magistrate of the first class.

VII. The following shall be added at the end of Section 409:—

"(u) tries an offender summarily."

VIII. The following shall be added after Section 433:—

"First offenders.

433-A. In any case in which any person is convicted before any Court, of theft, theft in a building, dishonest misappropriation or any other offence under the Penal Code punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the Court before which he is so convicted that regard being had to the youth or the character and antecedents of the offender, and to the trivial nature of

Power to Court to release upon probation of good conduct instead of sentencing to punishment.

the offence or any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct,

(1) the Court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond with or without sureties and during such period (not exceeding one year,) as the Court may direct, to appear and receive sentence when called upon and in the meantime to keep the peace and be of good behaviour, or

(2) when the person so convicted is a youthful offender, the Court may deliver him to his parent or guardian or nearest adult relative, executing a bond, with or without sureties as the Court may require, to be responsible for the good behaviour of such youthful offender for any period not exceeding one year.

Provided that when any first offender is convicted by a Magistrate of the second or third class, and the Magistrate is of opinion that the powers conferred by this Section should be exercised, he shall record his opinion to that effect and submit the proceedings to the District Magistrate forwarding the accused to or taking bail for his appearance before such Magistrate who shall dispose of the case in the manner provided by Section 281-A.

(3) For purposes of this Section, a 'youthful offender' means any boy or girl who being at the time under the age of sixteen years has been convicted of any offence punishable with imprisonment.

Provision in case of offender failing to observe conditions of his recognizances.

433-B. (1) If the Court which convicted the offender or a Court which could have dealt with the offender in respect of the offence is satisfied that the offender has failed to observe any of the conditions of the recognizance, it may issue a warrant for his apprehension.

(2) An offender when apprehended on any such warrant shall be brought forthwith before the Court issuing the warrant, and such Court may remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence or release him.

Conditions as to abode of offender.

433-C. (1) The Court before directing the release of an offender under Section 433-A shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place over which the Court has jurisdiction or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Nothing in this Section or in Sections 433-A and 433-B shall affect any of the provisions of the Reformatories Regulation (IV of 1067)."

IX. The following shall be added as No. 13 to Part iii of the third Schedule:-

"13. Power to make orders as to first offenders under Section 433-A."

The following shall be added as No. 17 to part iv of the said Schedule :—

"17. Power to hold summary trials under Section 236-A."

The word "ordinary" shall be inserted before "powers" below the words "Schedule III."

X. The following shall be inserted as the fourth Schedule :—

"SCHEDULE IV.

Additional powers with which a Magistrate may be invested.

i. Power with which a Magistrate of the second class may be invested.

Power to try summarily under Section 236-A.

ii. Powers with which a Magistrate of the first class may be invested.

1. Power to try summarily under Section 236-A.
2. Power to hear appeals from conviction by Magistrates of the second or third class.

XI. This Regulation shall be called the Criminal Procedure Code Amendment Regulation, IV of 1082, and it shall come into force immediately."

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 10th October 1908 corresponding with the 25th Kanni 1084.

Whereas, by a Proclamation issued on the 22nd day of Thulam 1051, corresponding to the 6th day of November 1875, the Christian Judge for the time being of the Sadr Court, being a European British subject, has been constituted and appointed the Special Appellate Judge in Travancore to hear and dispose of appeals from the decisions and to revise the proceedings of Special Magistrates, and whereas subsequently, by Regulation II of 1057, the Sadr Court having been designated the High Court, the Christian Judge of the High Court, being a European British subject, has continued to exercise the functions of the said Special Appellate Judge, and whereas, during the absence from the High Court on leave or otherwise of the aforesaid Judge of the said High Court, invested with the powers of Special Appellate Judge, inconvenience is

The Proclamation was published in the Gazette dated 13-10-1908, Pt. I, P. 1421.

caused in the disposal of appeals from the decisions of Special Magistrates, and whereas it is deemed desirable to have a Special Court of Appeal during such time to hear and dispose of appeals preferred against the decisions and to revise the proceedings of Special Magistrates; We, in modification of the Proclamation of the said 22nd day of Thulam 1051, are pleased to enact that, during the time that the Christian Judge of the High Court, invested with the powers of Special Appellate Judge, is absent from the said High Court, any one or more of the Special Magistrates and Justices of the Peace that may be appointed by Us shall exercise the powers of the Special Appellate Judge, and We are also pleased to enact that, during the time that the said Special Magistrate and Justice of the Peace or Magistrates and Justices of the Peace exercise the functions of Special Appellate Judge or Judges, he or they shall cease to exercise the ordinary functions of a Special Magistrate and Justice of the Peace.

REGULATION II OF 1084. [(a)]

CIVIL COURTS REGULATION.

CONTENTS.

PART I.

Preliminary.

Preamble.
Sections.

1. Short title and commencement.
2. Repeal of Regulations.

PART II.

Establishment and Constitution of Civil Courts subordinate to the High Court.

3. Classes of Courts.
4. Number of Civil Courts.

(a) Amended by Regulation VI of 1092.

Sections.
5. Place at which Court to be held.
6. Appointment to be notified in Gazette.
7. Seal of Court.

PART III.

Jurisdiction.

8. Local jurisdiction of Civil Court to be fixed by Government.
9. Jurisdiction of District Court.
10. District Court to be the Principal Civil Court.
11. District Court to have control over all Munsiffs' Courts.
12. Jurisdiction of Munsiff.
13. Small Cause jurisdiction of Munsiffs.
14. Procedure in Small Cause suits.
15. Power to decide incidentally disputes concerning title to immovable property, &c.
16. Appeals from District Courts.
17. Power to require witness or party to make oath or affirmation.
18. Law administered by Courts.
19. Judge or Munsiff not to try suits in which he is interested.
Judge not to try appeal from decree passed in another capacity.
Mode of disposing of such suits and appeals.
SCHEDULE No. I.—Regulations repealed.
SCHEDULE No. II.—Suits which shall not be tried as Small Causes.

A Regulation to amend and consolidate the law relating to the Civil Courts in Travancore

Passed by His Highness the Maha Raja of Travancore on the 4th March 1909 corresponding with the 21st Kumbhom 1084, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to amend and consolidate the law relating to the Civil Courts of Travancore, subordinate to the High Court; We are pleased to enact as follows:—

(1) In the year 1056 M. E., the then Dewan drew up a Memo on Judicial Reform in which he gave a brief sketch of the past history of the Judicial administration, examined the condition of the system and its practical working, and formulated a scheme to thoroughly revise the constitution and powers of the various Courts, and to remedy the defects disclosed. As a result of the proposals then made, two legislative enactments were passed, in the following year, having for their object the reconstruction of

the entire Judicial machinery. One of them, the Civil Courts Regulation, I of 1057, consolidated and amended the law relating to the Zillah and Munsiffs' Courts. It conferred on Government the power of regulating the number, constitution and territorial jurisdiction of the Civil Courts, raised the pecuniary jurisdiction of the Munsiffs from 200 to 500 Rs. and vested them with Small Cause jurisdiction in suits for personal property of the value of 20 Rs. and under, the summary procedure followed in such cases in British India being also prescribed. The decisions of the Zillah Courts passed in appeal in suits for money or other personal property not exceeding 50 Rs. were also declared final.— *A. R., 1056 & 1057.*

(2) Eight years' working of the Regulation showed that an enhancement of the jurisdiction of the Munsiffs and Zillah Judges might, with advantage, be made in the interests of the Judicial administration, in view of the fact that their *personnel* had considerably improved and of the desirability to afford some relief to the Courts whose work was much taken up with petty cases to the detriment to some extent of the important ones. Accordingly, in 1066, a Regulation was passed (No. III) which raised the Small Cause jurisdiction of the Munsiffs from 20 to 30 Rs. and the final Appellate jurisdiction of the Zillah Judges from 50 to 60 Rs.

(3) Regulation I of 1057 was further amended twenty years later, in 1077. The steady increase in civil litigation had reached a point which rendered it necessary to devise some means of affording relief to the Courts which, with the utmost diligence, found it impossible to cope with the increased work. The experiment of appointing Itinerant Munsiffs to assist in keeping down the arrears in Courts with exceptionally heavy files had not been found by experience to afford adequate relief, the increased litigation being more or less general and not mainly due to temporary causes. The raising of the Ordinary and Small Cause jurisdiction of the Munsiffs had been suggested as the only effective means of affording relief to the Judges and Munsiffs. The experience gained of the working of Regn. I of 1057, as amended by Regn. III of 1066, taken along with the character and capacity of the Munsiffs as a body, showed that it would not be inexpedient to increase the jurisdiction of Munsiffs and Judges.—*Vide* Statement appended to the Bill.—

T. G. G., dated 28-8-1900.

Accordingly, Regn. I of 1077 was passed which raised the ordinary jurisdiction of the Munsiffs to Rs. 1000, and which gave power to Government to invest particular Munsiffs, on the recommendation of the High Court, with Small Cause jurisdiction up to Rs. 50. The final Appellate jurisdiction of Zillah Judges was raised to Rs. 100. The Regulation also provided that all appeals from the decisions of Munsiffs in suits of which the amount or value of the subject-matter exceeded Rs. 500 should lie to the High Court direct.

(4) In 1905, leave was granted and a Bill introduced in the Council to amend and consolidate the law relating to Civil Courts, repealing Regns. I of 1057 and I of 1077. It was proposed to further raise the jurisdiction (Ordinary and Small Cause) of the Munsiffs, to create Subordinate Judges' Courts and to invest District Judges with Small Cause jurisdiction up to certain limits when necessary.—

L. C. P, dated 15-4-1905 & 16-9-1905.

When the principle of the Bill came to be discussed, there was strong opposition in the Council and the motion for the affirmation of the principle was lost by a majority.—

L. C. P., dated 9-6-1906.

Regn. II of 1084: I. *Objects and Reasons.* —(1) "The present constitution of our Civil Courts, subordinate to the High Court, was laid down in the year 1057 M. E. Since then, changes have been made from time to time in the judicial machinery to suit the requirements of a progressive administration. Further changes are however considered necessary to cope with the increasing volume of

work in all classes of Civil Courts. The Bill proposes to introduce the following modifications:—(1) To raise the Small Cause jurisdiction of all the Munsiffs from Rs. 30 to Rs. 50, and to empower Government to raise that jurisdiction to Rs. 200 in special cases. (2) To raise the Ordinary jurisdiction of Munsiffs from Rs. 1000 to Rs. 2000 in all cases. (3) To remove an anomaly in regard to appeals in suits above Rs. 500 in value disposed of by the Munsiffs. These are now preferred to the High Court direct. The Bill makes them lie to the District Courts. * * * ."— *S. O. & R.*

(2) In introducing the Bill and moving that its principle be affirmed, the Official Member in charge said:—" * * * It has been repeatedly brought to the notice of Government that the work in the Civil Courts is congested and that provision should be made for its relief. Towards the accomplishment of this object, a Civil Courts Amendment Regulation was introduced at a meeting of the Council held on the 16th September 1905. The then proposed Bill somehow fell through at the meeting of the Council held on 9th June 1906.

The evil complained of, namely, the congested nature of the work in the Civil Courts of the State, has been waxing stronger and stronger and it has become absolutely necessary that some remedy should be immediately sought for and applied. With this object in view, an amending Regulation affecting the Civil Courts in the State has been drawn up, which I now introduce in the Council. * * * ."

There was opposition to the Bill from several Members. The principle of the Bill, was, however, affirmed by a majority of the Council.— *L. C. P., dated 11-3-1908.*

(3) In moving that the Report of the Select Committee be taken into consideration, the Member in charge said:—" * * * Part I, consisting of two Sections, relates to the preliminary portion; Part II relates to the establishment and constitution of Civil Courts subordinate to the High Court (Secs. 3 to 7). The Bill declares that there shall be two classes of Civil Courts established besides the High Court. You will note that the number of such Courts is not fixed or limited. It is always open to Government to regulate it according to the public wants and needs. Part III of the Bill, which deals with the jurisdiction of the Civil Courts, includes Sections 8 to 20. Section 8 empowers the Government to fix and vary from time to time the local limits of the jurisdiction of any Civil Court. Sections 9, 10 and 11 relate to the jurisdiction of a District Court. Section 12 deals with the ordinary jurisdiction of Munsiffs. Section 13 relates to the Small cause jurisdiction of Munsiffs. Sections 14 and 15 deal with the procedure to be followed in Small cause suits. Section 16 relates to appeals. Section 17 deals with the valuation of suits for certain lands and Section 18 with power to require witnesses or parties to make oath or affirmation. Strictly speaking, these two Sections may be said to be out of place in this Regulation, but they have been inserted here for the sake of convenience. Section 19 prescribes the law to be administered by Courts to natives upon questions regarding succession, inheritance, marriage, caste or any religious usage or institution. Section 20 lays down that no District Judge or Munsiff shall try any suit in which he is interested. The above is a short synopsis of the whole Regulation. * * *".—*L. C. P., dated 1-6-1908.*

II. The Bill was published in the Gazette dated 11-2-1908, and introduced in the Council and referred to a Select Committee on 11-3-1908 (*T. G. G., dated 24-3-1908*). The Committee's Report was published on 12-5-1908 and was presented to the Council on 1-6-1908 (*T. G. G., dated 16-6-1908*). It was considered on 20-6-1908 (*T. G. G., dated 28-7-1908*). The Bill was finally read and passed on 25-2-1909 (*T. G. G., dated 9-3-1909*). The Regulation was published in the Gazette dated 9th March 1909.

PART I.

Preliminary.

Short title and commencement.

1. This Regulation may be called "The Travancore Civil Courts Regulation, 1084"; and it shall come into force on the 1st Chingom 1085.

Repeal of Regulations.

2. (i) On and after the said day, the Regulations mentioned in Schedule No. I hereto annexed shall be repealed to the extent specified in the third column thereof.

(ii) But all Courts constituted, appointments made, limits fixed, jurisdiction and powers conferred, under any enactment hereby repealed, shall, so far as may be consistent with this Regulation, be deemed to have been respectively constituted, made, fixed and conferred under this Regulation; and

(iii) all references to any enactment hereby repealed, made in Regulations passed prior to the said day, shall, as far as may be practicable, be read as if made to this Regulation or the corresponding provisions thereof.

PART II.

Establishment and Constitution of Civil Courts subordinate to the High Court.

Classes of Courts.

3. Besides Our High Court, there shall be two classes of Civil Courts, namely:—

(i) The District Court; and

(ii) The Court of the Munsiff.

Regn. VI of 1092: I. *Objects and Reasons.*—"Suits of the value of above Rupees two thousand instituted by the Estate owners in Devicolam have to be instituted in Parur. To avoid the inconvenience and cost of travelling to Parur which is about 90 miles distant from Devicolam, the suitors have to give up large amounts so as to bring the suits within the pecuniary jurisdiction of the Munsiff of Devicolam. In the interests of the suitors, it is thought desirable to raise the pecuniary jurisdiction of the Munsiff of Devicolam to Rs. 5,000. The present Bill is therefore drafted with a view to enable the Government to empower particular Munsiffs with pecuniary jurisdiction up to Rs. 5,000."— *S. O & R.*

II. The Bill was published in the Gazette dated 24-10-1916 and was introduced in the Council and considered on 20-12-1916 (*T. G. G., dated 23-1-1917*), as it was thought that there was no need to refer it to a Select Committee. It was finally read and passed on 25-6-1917 (*T. G. G., dated 7-8-1917*). The Regulation was published in the Gazette dated 7th August 1917.

4. The number of District Courts to be established or continued under this Regulation shall be fixed, and may, from time to time, be altered by Our Government.

Number of Civil Courts.

The number of Judges in each District Court shall be fixed, and may, from time to time, be altered by Our Government. When there are more Judges than one, the business of the District Court shall be regulated by the High Court.

The number of Munsiffs to be appointed under this Regulation shall be fixed, and may, from time to time, be altered by Our Government.

5. The place at which any Court under this Regulation shall be held may be fixed, and may, from time to time, be altered by Our Government.

Place at which Court to be held.

6. Every appointment of every District Judge and Munsiff shall be notified in the Gazette.

Appointment to be notified in Gazette.

7. Every Court under this Regulation shall use a seal of such form and dimensions as are, for the time being, prescribed by Our Government.

Seal of Court.

PART III.

Jurisdiction.

8. Our Government shall fix, and may, from time to time, vary the local limits of the jurisdiction of any Civil Court under this Regulation.

Local jurisdiction of Civil Court to be fixed by Government.

If Our Government assign the same local jurisdiction to two or more Munsiffs, they shall declare which of them shall be deemed the Principal Munsiff and the other or others shall be Additional Munsiff or Munsiffs.

Sec. 4 : The second para was added by the Council on the motion of the Member in charge. In this connection, the President said:—"I may mention here that the question of taking power to appoint Additional Judges to a District Court was considered at a former meeting. Then, the idea was that, for the sake of public convenience, the better policy would be to have separate Courts instead of more Judges in one Court. On subsequent consideration, it has occurred to me that it would be well to give Government the power, though to be used but rarely. Recently, Government had to appoint two Additional Judges in the Alleppey District Court in view to bring down the heavy arrears of that Court. It may be found necessary in future also to do the same thing in similar cases when temporary relief to a Court is all that may be required. I think, therefore, that we may accept the amendment proposed."—

L.C.P., dated 25-2-1909.

The present local limits of every Civil Court shall be deemed to have been fixed under this Regulation.

Jurisdiction of District Court.

9. The jurisdiction of a District Court extends, subject to the Rules contained in the Code of Civil Procedure, to all original suits and proceedings of a Civil nature.

District Court to be the principal Civil Court.

10. The District Court shall be deemed to be the principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

District Court to have control over all Munsiffs' Courts.

11. The District Court shall, subject to the general control of Our High Court, have control over all Munsiffs' Courts within the limits of its jurisdiction.

Jurisdiction of Munsiff.

12. The jurisdiction of a Munsiff extends, subject to the Rules contained in the Code of Civil Procedure, to all original suits and proceedings of which the amount or value of the subject-matter does not exceed two thousand rupees, provided that a Munsiff shall not take cognizance of any suit to which Our Government may be a party [and provided also that Our Government, on the recommendation of the High Court, may, by Notification in Our Government Gazette, invest any Munsiff, within such local limits as they shall from time to time appoint, with jurisdiction up to the amount of rupees five thousand, and may, by like Notification, whenever they think fit, withdraw such jurisdiction from the Munsiff so invested.]

Small Cause jurisdiction of Munsiffs.

13. Every Munsiff shall try as Small Causes all suits of a Civil nature, except suits specified in Schedule No. II hereto annexed, the amount or value of which does not exceed one hundred rupees.

Sec. 12: The bracketed words were added by Regn VI of 1092. For reasons, see Objects and Reasons, *Supra.*

Case Law.

Per Sankara Pillai, J.—A Munsiff's Court to which a decree is transferred for execution has jurisdiction to execute it, though it is passed in a suit the value of which is in excess of the limit of its pecuniary jurisdiction.

Per Varughese, J.—It is well-known that a Munsiff's Court can entertain a claim petition in respect of a property worth much above its pecuniary jurisdiction: it is an exception to the general rule.—

39 T. L. R., *811* (14 T. L. J., *807*).

Sec. 13: In the original Bill, the Small Cause jurisdiction of the Munsiffs was fixed up to Rs. 50 (Para 1) and the Government took power to invest, on the recommendation of the High Court, any *Munsiff* with *jurisdiction* up to Rs. 200 (Para 2). The Select Committee

The decree or orders of a Munsiff in all suits and proceedings tried as Small Causes under this Section shall be final (except orders specified in Clause 29 of Section 557 of the Code of Civil Procedure) subject to revision by the High Court as prescribed in Section 568 of the Code of Civil Procedure (Regulation II of 1065).

proposed the existing provision (Para 1) in its place. They said :—"This amendment is suggested because the Members think that all the Munsiffs may be safely entrusted with Small Cause jurisdiction up to Rs. 100 and that there is no necessity to make any distinction among the several Munsiffs as regards Small Cause jurisdiction. The Committee recommend the omission of the second para *in toto*, as they are of opinion that Small Cause jurisdiction should not at present at least be increased to any higher figure than Rs. 100.— *S. C. R., Pt. I.*

Case Law.

1. A suit was instituted for recovery of fanams 350 being balance of consideration for the assignment of a mortgage right by plaintiff to defendant. It was first filed as a Small Cause, but under order of Court, it was refiled as an Original suit. The Munsiff gave plaintiff a decree. The District Judge, on appeal, dismissed the suit finding that the whole amount of the consideration had been paid. In second appeal, plaintiff contended that the suit, though tried as an Original suit, was still a Small Cause suit, and that, though the decision of the Munsiff was valid, no appeal lay to the District Court. *Held.*—The decree passed by the Munsiff was valid and operative, and the appeal to the District Court was competent.

Per Raman Menon, C. J.—Sec. 13 of the Civil Courts Regulation merely regulates the procedure to be adopted in the adjudication of certain classes of suits, and does not take away the jurisdiction of the Munsiffs to try them as original causes. The words "shall try" in the Section are not conclusive.

The question whether, in the case, an appeal lay must be decided with reference to the Civil Procedure Code and the Civil Courts Regulation. Under Sec. 512 of the Code, the Court of the District Munsiff being a Court exercising original jurisdiction, there is, *primâ facie*, an appeal from the decree passed by it. There is no express provision in the Code or in any other enactment forbidding such appeal. But, in the Civil Courts Regulation, there is an express provision giving finality to certain classes of decrees passed by the District Munsiffs. If Sec. 13 is to be construed literally, it would not cover the present case, as the decree in question was passed in a suit *tried* as an Original suit, and not as a Small Cause. On the whole, it would be more convenient and conducive to justice to adopt the literal construction of the Section. Sec. 512 of the Procedure Code and Sec. 13 of the Civil Courts Regulation read together warrant the view that it is *the nature of the trial* that should, in such cases, be regarded as decisive.

Per Viraraghava Aiyengar, J.—There is no separate enactment in this State dealing with Small Cause Courts, and all the provisions that have any bearing on the present question are contained in Regn. II of 1084. It is noteworthy that nowhere in this Regulation do we find the words 'cognisable in a Court of Small Causes' occurring in the British enactment. The headings of the Schedules also differ. Again, in enacting Sec. 13 of the Regulation, the Legislature does not use the word 'jurisdiction' or 'cognizance', as in Sec. 12, but says that a Munsiff shall *try as Small causes* all suits of a civil nature, except suits, &c. These considerations induce me to hold that the Regulation meant only to regulate the trial of certain kinds of suits therein mentioned in the particular mode provided by it, and not

14. In suits falling under Section 13, the following procedure shall be observed.

Procedure in Small Cause suits.

(a) The summons shall, in all cases, be issued for the final disposal of the suit.

(b) The defendant shall state his defence orally or in writing if he so chooses. The Court shall in the former case record the substance of the statement in its own hand-writing, and no written statement, other than the plaint and defence, shall be received from any party to the suit, unless required by a written order of the Court, setting forth the reasons.

(c) The judgment need not contain more than the points for determination and the decision thereupon, and the decree shall bear the date on which judgment is pronounced and shall state the amount adjudged to be paid, by and to whom payable, and shall be signed by the Judge and sealed with the seal of the Court.

---

to interfere with the jurisdiction which the Munsiff was otherwise invested with by its provisions. Nor does the use of the words '*shall try*' in Section 13 appear to go against this view.—**32 T. L. R.**, *58* (**6 T. L. J.**, *101*).

2. A District Munsiff, whose Small Cause jurisdiction extended up to Rs. 50, had on his regular file a suit of the value of nearly Rs. 91. Pending suit, Regulation II of 1084 came into force, by Section 13 (1) of which the Small Cause jurisdiction of the Munsiff was extended to Rs. 100. The Munsiff, thereupon, transferred the suit from his regular file to the Small Cause file and disposed of it as a Small Cause. *Held* (in revision).—The transformation into a Small Cause of a suit legally instituted as a regular suit was illegal.

So long as Regulation II of 1084 had not expressly, or by necessary implication, made its provisions retrospective, and in view of the language of Section 7 of the General Clauses Regulation, the enactment that applied to the case was the one in force on the date of institution of suit.

A suit is a judicial proceeding, and the expression "legal proceedings" in Section 7 of the General Clauses Regulation must be taken to include all the proceedings in the suit from the date of its institution to its final disposal, and therefore to include proceedings in appeal.

The new Civil Courts Regulation is silent in the matter of rights of appeal in suits already filed before the Regulation came into force. The right of appeal is inherent in every party to a civil suit as from the date on which it was launched, and whoever lost must be taken to have been vested at the time of the suit with the right of appeal. Such right could not be taken away, except by express enactment of the legislature and consequently the Munsiff was not justified in converting the regular suit into a Small Cause, so as to deprive the unsuccessful party of the right of appeal, which he had at the institution of the suit (F. B.).—**25 T. L. R.**, *170* (**2 T. L. J.**, *91*).

Sec. 14 (c): Case Law.

Under the existing law, the judgment of a Court exercising Small Cause powers, need

(*d*) No decree shall be executed against immovable property, unless the decree-holder shall satisfy the Court that the judgment-debtor is possessed of no personal property which can be proceeded against.

In all cases in which the Court shall allow execution against the immovable property of the judgment-debtor, it shall record in its own hand-writing its reasons for doing so, and in no case shall such execution be allowed, unless the decree-holder shall support his application by a verified statement, as is provided for in the case of plaints under the Code of Civil Procedure.

(*e*) Appeals and second appeals shall lie against orders passed by the Court in execution of Small Cause decrees against immovable property in the same manner and to the same extent as if such orders had been passed in the exercise of the ordinary original jurisdiction of such Court.

In other respects, the procedure in such suits shall be that prescribed by the Code of Civil Procedure.

Power to decide incidentally disputes concerning title to immovable property, &c.

15. If, in the decision of a suit triable as a Small Cause under this Regulation, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immovable property or the legal character of either of them or of those under whom they claim, or the existence of any contract or obligation, which,

---

not contain anything more than the points that arise for determination in the case and decisions thereon. In particular, it need not specify the reasons for such decision. But it is necessary that the points for decision should be clearly, definitely and in the concrete, formulated by the Court. For example, it is not enough to set down for trial some such vague and general formulas as—Whether the plaint claim is true? Such an issue is perfectly colourless and would generally afford no clue to the concrete questions involved in the case. But what the Code lays down is that the concrete questions for decision should be specified by the Court.

The judgment need only contain the decisions on the various points raised in the case. But the decisions must show that the material points in the case have been passed upon.

The compliance that will be enforced by the High Court is, not merely technical compliance, but substantial compliance with the provisions of the C. P. C. and such compliance is all that is necessary, the question whether, in any particular case, there has been such compliance, being for the most part one to be decided with reference to the circumstances of that case.

When the judgment of a Court exercising Small Cause powers is not according to law laid down in the Procedure Code, the High Court will, in the exercise of its revisional powers, as a rule, set aside the judgment and the decree based thereon and remand the suit for fresh decision and (if need be) for retrial also; the reason for this procedure being that the decisions in such cases must primarily be passed by the trial Courts.

—32 T. L. R., 836.

Ref.—17 T. L. J., 15.
17 T. L. J., 130.

if it had been the immediate subject-matter of the suit, would not be cognizable under this Regulation as a Small Cause, it shall be competent to the Court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, or obligation in any other action though between the same parties or their representatives.

Appeals from District Courts.

16. Appeals from original or appellate decrees or orders of a District Court shall, when such appeals are allowed by law, lie to the High Court.

Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction, except when the amount or value of the subject-matter of the suit exceeds rupees one thousand, in which case the appeal shall lie to the High Court.

Sec. 16: In the second para, the words at the end—"except when the amount......lie to the High Court"—were added by the Council on the motion of a Non-official Member who said:—"* I cannot see any reason for depriving the litigant public of the benefits they now have of their appeals in suits of more than Rs. 1,000 in value being heard by a Division Bench of the High Court. The work of the High Court as it stands at present is not too heavy for the four judges now constituting it. The District Judges (including the Second Judges), of whom we have 8 at present, have not been able to keep pace with their appellate files, which have consequently become congested in every Court. I cannot comprehend why an addition should be made to such work. By making all appeals from the decisions of Munsiffs lie to the District Courts, the people lose the chance of their cases being heard on first appeal by a Bench of two Judges in the High Court and they also lose the benefit of a pronouncement on facts by them when the findings of the Munsiffs and District Judges happen to be concurrent This is a serious loss. When direct appeals lie to the High Court, in important cases, the chances are, that the Munsiffs would pay greater attention to the trial of such cases and take greater pains to write their judgments. The people would hereafter lose this advantage. The High Court would also be deprived of the opportunity it now has of scrutinising the work of the Munsiffs in regular appeals instead of in second appeals. The expenditure on litigation will be doubled by the parties having to drag their cases through two Courts instead of one. If the direct appeals that now lie to our High Court from the decisions of Munsiffs are taken away, there may not be sufficient work for four Judges in the High Court and nothing can in my humble opinion be more ill-advised than a reduction in their number. I think, in these circumstances, appeals from the Munsiffs' Courts, at least in cases of more than Rs. 1,000 in value, should lie direct to the High Court."

A long discussion followed and the amendment was finally carried unanimously.—

L. C. P. dated 20-6-1908.

Case Law.

1. For the purpose of determining the proper Appellate Court in a suit for taking

17. Every Court under this Regulation may require a witness or party to any suit or other proceeding pending in such Court to make such oath or affirmation as may be prescribed by the law or usage for the time being in force.

Power to require witness or party to make oath or affirmation.

18. Where, in any suit or proceeding, it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,—

Law administered by Courts.

(a) the Mahomedan law in cases where the parties are Mahomedans, and the Hindu law in cases where the parties are Hindus, or

(b) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished,

(c) in cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

19. No District Judge or Munsiff shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with or arising out of such suit.

Judge or Munsiff not to try suits in which he is interested.

---

accounts, what is to be looked to, is the value of the original suit, that is to say, 'the amount or value of the subject-matter of the suit.' Such 'amount or value of the subject-matter of the suit' must be taken to be the value assigned by the plaintiff in his plaint and not the value as found by the Court, unless it appears that, either purposely or through gross negligence, the true value of the suit has been altogether mis-represented in the plaint.— 32 T. L. R., 97.

Fol.—32 T. L. R., 245.

2. In an appeal against a mortgage-decree which awards a certain amount as value of improvements to the mortgagee, the forum is to be determined with reference to the principal sum secured by the mortgage deed, and not with reference to the amount of the value of improvements that is claimed or whose award is disputed in appeal. F.B.— 32 T. L. R., *245* (6 T. L. J., *407*).

Sec. 19 : Case Law.

Where the Appellate Court has already passed an order under Sec. 484 of the Civi Procedure Code, that Court is no doubt incompetent to hear the appeal against the order under Sec. 482 of the Code. It would be a clear violation of the salutary maxim which is recognised in Sec. 19 (2) of the Civil Courts' Regulation. A party cannot be deprived of his right of appeal to a particular Court, merely because it is presided over by an officer who cannot hear the appeal by reason of a personal disqualification. Provision is made in Sub-sec. 3 of Sec. 19 for cases in which a District Judge finds that he

No District Judge shall try any appeal against a decree or order passed by himself in another capacity.

Judge not to try appeal from decree passed in another capacity.

When any such suit, proceeding or appeal comes before any such Officer, he shall report the circumstances to the Court to which he is immediately subordinate.

Mode of disposing of such suits and appeals.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure (Regulation II of 1065).

---

cannot hear an appeal owing to a personal disqualification. Where such a disqualification exists, action should be taken under that provision for the transfer of the appeal to another Court.— 16 T. L. J., *68*.

Civil Courts.—*Other Cases.*

1. A suit the value of which was less than Rs. 100 was filed in the Munsiff's Court in 1075 and the appeal to the District Court was filed in Makarom 1077, *i. e.*, after the amending Regulation I of 1077 came into force. It was contended that the procedure in appeal and special appeal should be governed by the amending Regulation and not the old Regulation I of 1057: *Held.*—The contention was right and, therefore, the special appeal was not maintainable.— 18 T. L. R *164*.

Overruled.—25 T. L. R., 170.
2 T. L. J., 91.

2. The right of appeal to a particular tribunal is a vested right, and such a right cannot be taken away unless by express provision of law. After a decree has been passed in a suit, the litigant cannot be deprived of his right of appeal by a subsequent enactment, unless the latter gives retrospective effect expressly to itself.

It is a well-known principle of interpretation that Statutes are not to be held to act retrospectively unless a clear intention to that effect is manifested.

And so, when a suit of the value of above Rs. 500 but below Rs. 1000, was decided by the Munsiff before the new Civil Courts Regulation II of 1084 came into force, *i. e.*, before 1st Chingom 1085, but the appeal against the decree was filed in the High Court after 1st Chingom 1085 (under the provisions of Sec. 7 of Regn. I of 1077 which was in force on the date of the decree appealed against); and it was contended for the respondent that the forum of appeal was determined by the Regulation in force on the date of presentation of appeal, and not by that in force on the date of the decree appealed against (*i. e.*, Regn. II of 1084 and not I of 1077), and that thus the appeal lay to the District Court and not to the High Court: *Held.*—The appeal lay to the High Court and not to the District Court (F. B.).— 1 T. L. J., *100*.

Ref.—2 T. L. J., 91.

SCHEDULE No. I.

REGULATIONS REPEALED.

No. and year of Regulation.	Title.	Extent of repeal.
(1) Regulation I of 1010 ...	Extending powers of Munsiffs and defining their jurisdiction.	The whole, except Section 7 and Clause 5 of Section 17.
(2) Regulation IV of 1010 ...	Extending the jurisdiction of Zillah Judges.	The whole except Section 21.
(3) Regulation I of 1057 ...	Consolidating and amending the law relating to the Zillah and Munsiffs' Courts.	The whole.
(4) Regulation I of 1077 ...	Amending Regulation I of 1077.	The whole.

SCHEDULE No. II.

Suits which shall not be tried as Small Causes:—

(1) A suit concerning an act or order purporting to be done or made by Our Dewan in his official capacity, or concerning an act purporting to be done by any person by order of Our Dewan in his official capacity ;

(2) a suit concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a Judicial Officer acting in the execution of his office ;

(3) a suit concerning an act or order purporting to be done or made by any other Officer of the Government in his official capacity ;

(4) a suit for the possession of immovable property or for the recovery of an interest in such property ;

(5) a suit for the partition of immovable property ;

(6) a suit by a mortgagee of immovable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immovable property for the redemption of the mortgage ;

(7) a suit for the assessment, enhancement, abatement or apportionment of the rent of immovable property ;

(8) a suit concerning the liability of land to be assessed to land revenue ;

(9) a suit to restrain waste ;

(10) a suit for the determination or enforcement of any other right to or interest in immovable property;

(11) a suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive periodically recurring right to discharge the functions of an office;

(12) a suit to enforce payment of any allowance paid to families or individuals by the State, or of cesses or other dues when the cesses or dues are payable to a person by reason of his interests in immovable property or in an hereditary office or in a shrine or other religious institution, other than cesses or dues recoverable under the Jenmi and Kudiyan Regulation;

(13) a suit to recover from a person, to whom compensation has been paid under the Land Acquisition Regulation, the whole or any part of the compensation;

(14) a suit for the specific performance or rescission of a contract;

(15) a suit for the rectification or cancellation of an instrument;

(16) a suit to obtain an injunction;

(17) a suit relating to a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution;

(18) a suit for a declaratory decree, not being a suit relating to movable property instituted under Section 280 or Section 321 of the Code of Civil Procedure;

(19) a suit to set aside an attachment by a Court, otherwise than in execution of a decree for money and in relation to movable property, or Revenue authority, or a sale, mortgage, lease or other transfer by a Court or a Revenue authority or by a guardian;

(20) a suit for property which the plaintiff has conveyed while insane;

(21) a suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial capacity;

(22) a suit to contest an award;

(23) a suit upon a foreign judgment as defined in the Code of Civil Procedure;

(24) a suit to compel a refund of assets improperly distributed under Section 292 of the Code of Civil Procedure;

(25) a suit to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets;

(26) a sut for a legacy or for the who'e or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate;

(27) a suit—

(a) for a dissolution of partnership or for the winding up of the business of a partnership after its dissolution ;

(b) for an account of partnership transactions ; or

(c) for a balance of partnership account, unless the balance has been struck by the parties or their agents ;

(28) a suit for an account of property and for its due administration under decree ;

(29) any other suit for an account, including a suit by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant ;

(30) a suit for a general average loss or for salvage ;

(31) a suit for compensation in respect of collision between ships ;

(32) a suit on a policy of insurance or for the recovery of any premium paid under any such policy ;

(33) a suit for compensation—

(a) for loss occasioned by the death of a person caused by actionable wrong ;

(b) for wrongful arrest, restraint or confinement ;

(c) for malicious prosecution ;

(d) for libel ;

(e) for slander ;

(f) for adultery or seduction ;

(g) for breach of contract of betrothal or promise of marriage ;

(h) for inducing a person to break a contract made with the plaintiff ;

(i) for obstruction of an easement or diversion of a water course ;

(j) for illegal, improper or excessive distress or attachment ;

Sch. II, 33 (a): Case Law.

It may be taken as the prevailing rule in Travancore that the death of a human being can be complained of as an actionable wrong for the benefit of wife, husband, parent or child.

There is some slight indication of the recognition of a right of action of some sort in Travancore for causing the death of a human being inasmuch as the Legislature has declared that such a suit cannot be filed as a Small Cause suit. Some meaning must be attached to this provision in the Civil Courts Regulation. If a suit may be brought for loss occasioned by the death of a person caused by actionable wrong, then it is necessary to consider what the scope of such suit might be. The only suits which we find anywhere maintainable whether in England or in India for such injuries are suits under Lord Campbell's Act or the Fatal Accidents' Act, that is, suits for the benefit of the wife, husband, parent or child. It may be taken therefore that this is the cause of action which

(*k*) for improper arrest under Chapter XXXIII of the Code of Civil Procedure, or in respect of the issue of an injunction wrongfully obtained under Chapter XXXIV of that Code; or

(*l*) for injury to the person in any case not specified in the foregoing Sub-clauses of this Clause;

(34) a suit by a Mahomedan for exigible (*mu'ajjal*) or deferred (*mu'wajjal*) dower;

(35) a suit for the restitution of conjugal rights, for the recovery of a wife, for the custody of a minor or for a divorce;

(36) a suit relating to maintenance except when the claim is based on an express contract in writing duly registered;

(37) a suit for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer, or by a manager of joint property, or a member of an undivided family, in respect of a payment made by him on account of the property or family;

(38) a suit by one of several joint mortgagors of immovable property for contribution in respect of money paid by him for the redemption of the mortgaged property;

(39) a suit against the Government to recover money paid under protest in satisfaction of a claim made by a Revenue authority on account of an arrear of land revenue or of a demand recoverable as an arrear of land revenue.

---

is contemplated by the Travancore Legislature in the Civil Courts Regulation.

Held also (on a consideration of the authorities).—It may be taken to be established that the rule prevailing in England is that the death of the human being cannot be complained of as an actionable wrong. This rule is subject to statutory modification to the effect that an action will lie for the benefit of the wife, husband, parent or child of the person whose death shall have been caused by the actionable wrong, for the recovery of damages resulting from the death of such person.

In cases of suits complaining of the death of a human being as an actionable wrong, the plaintiff sues not as the representative of the deceased but in his own right for the injuries done to him by the defendant in wrongfully causing the death of the deceased.

This rule is distinct from the rule summed up in the maxim *Actio personalis moritur cum persona*. In cases to which this maxim applies, there is in the first instance an injury done to a party for which he could maintain an action; but before he can bring it or having brought it, before he can obtain judgment in his favour, he dies and it is said the right of action which he had does not survive to his executors but dies with him.

The distinction does not seem to have always been borne in mind.—

40 T. L. R., *141* (14 T. L. J., *288*).

REGULATION III OF 1084.

TREASURE TROVE REGULATION.

CONTENTS.

Preamble.

Sections.

1.	Short title	1
	Extent and commencement.	
2.	Interpretation-Cause	3
	" Treasure. "	
	" Peishkar. "	
	" Owner."	
3.	Notice by finder of treasure	4
4.	Notification requiring claimants to appear ...	5
5.	Forfeiture of right on failure to appear ...	6
6.	Matters to be enquired into and determined by the Peishkar ...	7
7.	Time to be allowed for suit by person claiming the treasure ...	8
8.	When treasure may be declared ownerless ...	9
	Appeal against such declaration.	
9.	Proceedings subsequent to declaration ...	10
10.	When no other person claims as owner of place, treasure to be given to finder	11
11.	When only one such person claims and his claim is not disputed, treasure to be divided, and shares to be delivered to parties	12
12.	In case of dispute as to ownership of place, proceedings to be stayed	13
13.	Settlement of such dispute	14
14.	And division thereupon	15
15.	Power to acquire the treasure on behalf of Government ...	16
16.	Decision of Peishkar final and no suit to lie against him for acts done *bona fide*	17
17.	Peishkar to exercise powers of Civil Court ...	18
18.	Power to make Rules	19
19.	Penalty on finder failing to give notice, &c. ...	20
20.	Penalty on owner abetting offence under Section 19 ...	21

The figures on the right refer to the corresponding Sections of the Indian Treasure Trove Act VI of 1878.

Regulation III of 1084.

A Regulation for declaring the rights of Government and of private individuals with respect to hidden Treasure and for prescribing the Rules to be observed on the discovery of such Treasure

Passed by His Highness the Maha Raja of Travancore on the 18th March 1909 corresponding with the 5th Meenom 1084, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to make provision for declaring the rights of Government and of private individuals with respect to hidden Treasure and for prescribing the Rules to be observed on the discovery of such Treasure; It is hereby enacted as follows:—

Regn. III of 1084: I. *Objects and Reasons.*—(1) "There is at present no law in Travancore similar to the Indian Treasure Troves Act (VI of 1878) making it compulsory on the part of every finder of a treasure to give immediate notice thereof to Government authorities, omissions being considered penal. In the absence of special legislation on the subject, it is to be apprehended that seldom will discoveries of treasure come to light and even when they are known, there is no obligation on the part of the finders to part with any portion of the treasure for price paid by the Sircar. In these circumstances it becomes necessary to pass a law and the present Bill has been drafted on the lines of the British Act. The principle that has been followed in framing it is to secure in the first place an intimation of the finding of the treasure, to secure the rights of all persons who could establish an antecedent property in it and only, where no such antecedent right could be established, the right to the property will have to be dealt with under this Regulation. When the property is declared to be without an antecedent owner, then the division of property in the article found is made between the finder and the owner of the place where it is found. And finally the Bill provides means whereby the Government would be able to procure for the Museum articles of historical or archæological value which it might be desirable to secure.— *S. O & R.*

(2) In introducing the Bill, the Official Member in charge said:—"* * The concluding sentence of the Statement of Objects and Reasons gives the clue to the immediate motive that has inspired the Bill. The importance of securing for the Government Museum articles of historical or archæological value is admitted on all hands. There have occurred in the past instances in which large finds of treasure have been left unreported to Government or came to the knowledge of Government too late to be of any practical use to them. To mention only one of them, and a recent one too, large quantities of ancient coins of varying descriptions in gold, silver and copper, were washed ashore at Colachel during the sea erosion that occurred in July and August last. Attempts were made to collect as large a number of them as possible on account of their numismatic interest, but owing to the absence of a law, the efforts made were but partially successful. The uncertainty that exists at present regarding the rights of private individuals with respect to any finds is an evil which calls for remedy. The Bill, as drafted, while securing to the people the rights which they enjoy at present, enables Government to buy up such of

1. This Regulation may be called "The Travancore Treasure Trove Regulation, No. III of 1084."

Short title.

It extends to the whole of Travancore ; and it shall come into force at once.

Extent and commencement.

2. In this Regulation,—

Interpretation-Clause.

"Treasure" means anything of any value hidden in the soil, or in anything affixed thereto :

"Treasure."

" Peishkar" means the Chief Officer in charge of the Revenue administration of a Division and includes any Officer whom Our Government, by Notification in Our Government Gazette, may, by name or in virtue of his office, appoint to be a Peishkar in any local area :

"Peishkar."

When any person is entitled, under any reservation in an instrument of transfer of any land or thing affixed thereto, to treasure in such land or thing, he shall, for the purposes of this Regulation, be deemed to be the owner of such land or thing.

"Owner."

3. Whenever any treasure, the materials of which exceed in value fifty rupees, is found, the finder shall, within thirty days of such finding, give to the Peishkar notice in writing—

Notice by finder of treasure.

---

the treasure as may be deemed necessary for their purposes. * *".—

L. C. P., dated 1-6-1908.

II. Leave to introduce the Bill was granted at the meeting of the Council held on 11-3-1908 (*T. G. G., dated 24-3-1908*). The Bill was published on 12-5-1908, and introduced and referred to a Select Committee on 1-6-1908 (*T. G. G., dated 16-6-1908*). The Committee's Report was published on 21-7-1908. It was presented to, and considered by, the Council on 14-9-1908 (*T.G.G., dated 22-9-1908*). The Bill as amended by the Council was published on 29-9-1908. It was finally read and passed on 25-2-1909 (*T. G. G., dated 9-3-1909*). The Regulation was published in the Gazette dated 23rd March 1909.

Sec. 3: The first para in the Indian Act runs thus :—"Whenever any treasure *exceeding in amount or value ten* rupees is found, the finder shall, *as soon as practicable*, give to the Collector notice in writing—." The above was the wording in the original Bill and the Select Committee passed it. The wording now found in the Regulation was the result of the amendments made in the Council by Official Members.

"Reading Sec. 15, it is found that the vaule is sought to be fixed on 'the materials

(*a*) of the nature and amount or approximate value of such treasure;

(*b*) of the place in which it was found; and

(*c*) of the date of the finding;

and he shall either deposit the treasure in the nearest Government Treasury, or give the Peishkar such security, as the Peishkar thinks fit, to produce the treasure at such time and place as he may from time to time require.

Notification requiring claimants to appear.

4. On receiving a notice under Section 3, the Peishkar shall, after making such enquiry (if any) as he thinks fit, take the following steps (namely):—

(*a*) he shall publish a Notification, in such manner as Our Government may from time to time prescribe in this behalf, to the effect that on a certain date (*mentioning it*) certain treasure (*mentioning its nature, amount and approximate value*) was found in a certain place (*mentioning it*); and requiring all persons claiming the treasure, or any part thereof, to appear personally or by agent before the Peishkar on a day and at a place therein mentioned, such day not being earlier than four months, or later than six months, after the date of the publication of such Notification;

(*b*) when the place in which the treasure appears to the Peishkar to have been found, was, at the date of the finding, in the possession of some person other than the finder, the Peishkar shall also serve on such person a special notice in writing to the same effect.

---

of the treasure.' It is desirable to make the wording precise and uniform and the intention clear."

It was also stated that "the expression 'as soon as practicable' is vague, and, as such, is likely to cause difficulty in practical working. It is better to fix a limit of time and the Member suggested 30 days as a reasonable period."

In *re* the value limit, it was fixed on the suggestion of the President who pointed out:—"In all cases in which the value of the treasure exceeds ten rupees, the finder would be bound under the Section to give notice to the Peishkar and it became a matter for the Peishkar to enquire into. May not this limit be with advantage raised to, say, fifty rupees. It is, I think, desirable to reduce the interference of Government as between private people as much as possible."

—*L. C. P., dated 14-9-1908.*

5. Any person having any right to such treasure or any part thereof, as owner of the place in which it was found or otherwise, and not appearing as required by the Notification issued under Section 4, shall forfeit such right.

Forfeiture of right on failure to appear.

6. On the day notified under Section 4, the Peishkar shall cause the treasure to be produced before him, and shall enquire as to and determine—

Matters to be enquired into and determined by the Peishkar.

(a) the person by whom, the place in which and the circumstances under which, such treasure was found; and

(b) as far as is possible, the person by whom, and the circumstances under which, such treasure was hidden.

7. If, upon an enquiry made under Section 6, the Peishkar sees reason to believe that the treasure was hidden within one hundred years before the date of the finding, by a person appearing as required by the said Notification and claiming such treasure, or by some other person, under whom such person claims, the Peishkar shall make an order adjourning the hearing of the case for such period as he deems sufficient to allow of a suit being instituted in the Civil Court by the claimant to establish his right.

Time to be allowed for suit by person claiming the treasure.

8. If, upon such enquiry, the Peishkar sees no reason to believe that the treasure was so hidden; or

When treasure may be declared ownerless.

if, where a period is fixed under Section 7, no suit is instituted within such period to the knowledge of the Peishkar; or

if such suit is instituted within such period and the plaintiff's claim is finally rejected;

the Peishkar may declare the treasure to be ownerless.

Any person aggrieved by a declaration made under this Section may appeal against the same within two months from the date thereof to Our Government.

Appeal against such declaration.

Subject to such appeal, every such declaration shall be final and conclusive.

9. When a declaration has been made in respect of any treasure under Section 8, such treasure shall, in accordance with the provisions hereinafter contained, either be delivered to the finder thereof, or be divided between him and the owner of the place in which it has been found in manner hereinafter provided.

Proceedings subsequent to declaration.

When no other person claims as owner of place, treasure to be given to finder.

10. When a declaration has been made in respect of any treasure as aforesaid and no person other than the finder of such treasure has appeared as required by the Notification published under Section 4 and claimed a share of the treasure as owner of the place in which it has been found, the Peishkar shall deliver such treasure to the finder thereof.

When only one such person claims and his claim is not disputed, treasure to be divided

11. When a declaration has been made as aforesaid in respect of any treasure, and only one person other than the finder of such treasure has so appeared and claimed, and the claim of such person is not disputed by the finder, the Peishkar shall proceed to divide the treasure between the finder and the person so claiming according to the following rule (namely):—

If the finder and the person so claiming have not entered into any agreement then in force as to the disposal of the treasure, three-fourths of the treasure shall be allotted to such finder and the residue to such person. If such finder and such person have entered into any such agreement, the treasure shall be disposed of in accordance therewith:

Provided that the Peishkar may, in any case, if he thinks fit, instead of dividing any treasure as directed by this Section,—

(a) allot to either party the whole or more than his share of such treasure, on such party paying to the Peishkar for the other party such sum of money as the Peishkar may fix as the equivalent in market value of the share of such other party or of the excess so allotted as the case may be; or

---

Sec. 11: In the Indian Act, Clause (a) of the first Proviso is as follows:—"(a) allot to either party.........as the Collector may fix as the equivalent of the share of such other party.........as the case may be; or." The words 'in market value' were inserted by the Council, on the motion of an Official Member who said:—"The Proviso gives the discretion to fix the equivalent of the treasure and to divide it between the parties, entirely to the Peishkar, whether or not the parties agree to such distribution. In the case of certain rare coins, for instance, their value, if the coins be sold in the market, may be very high, though the intrinsic value may be but nominal. According to the language of the Proviso, there is nothing to prevent the Peishkar from valuing a treasure at its intrinsic worth. This is likely to cause hardship. I think that, in all such cases, the equivalent of the treasure should be calculated according to its market value."—

L. C. P., dated 14-9-1908.

(*b*) sell such treasure or any portion thereof by public auction, and divide the sale proceeds between the parties according to the rule hereinbefore prescribed:

Provided also that, when the Peishkar has, by his declaration under Section 8, rejected any claim made under this Regulation by any person other than the said finder or person claiming as owner of the place in which the treasure was found, such division shall not be made until after the expiration of two months without an appeal having been presented under Section 8 by the person whose claim has been so rejected, or when an appeal has been so presented, after such appeal has been dismissed.

and shares to be delivered to parties.

When the Peishkar has made a division under this Section, he shall deliver to the parties the portions of such treasure, or the money in lieu thereof, to which they are respectively entitled under such division.

In case of dispute as to ownership of place, proceedings to be stayed.

12. When a declaration has been made as aforesaid in respect of any treasure, and two or more persons have appeared as aforesaid and each of them claimed as owner of the place where such treasure was found, or the right of any person who has so appeared and claimed is disputed by the finder of such treasure, the Peishkar shall retain such treasure and shall make an order staying his proceedings with a view to the matter being enquired into and determined by a Civil Court.

Settlement of such dispute.

13. Any person who has so appeared and claimed may, within two months from the date of such order, institute a suit in the Civil Court to obtain a decree declaring his right; and in every such suit the finder of the treasure and all persons disputing such claim before the Peishkar shall be made defendants.

And division thereupon.

14. If any such suit is instituted as aforesaid, and the plaintiff's claim is finally established therein, the Peishkar shall, subject to the provisions of Section 11, divide the treasure between him and the finder.

Sec. 13: The Indian Act allows only one month to individuals desiring to institute a suit. As this is too short to enable them to avail themselves of the privilege, the Select Committee raised the period to two months. *S. C. R., Pr. 6.*

If no such suit is instituted as aforesaid, or if the claims of the plaintiffs in all such suits are finally rejected, the Peishkar shall deliver the treasure to the finder.

Power to acquire the treasure on behalf of Government.

15. The Peishkar may, at any time after making a declaration under Section 8 and before delivering or dividing the treasure as hereinbefore provided, declare by writing under his hand his intention to acquire on behalf of Our Government the treasure, or any specified portion thereof, by payment to the persons entitled thereto of a sum equal to the value of the materials of such treasure or portion, together with one-fifth of such value, and may place such sum in deposit in a Government Treasury to the credit of such persons; and thereupon such treasure or portion shall be deemed to be the property of Government, and the money so deposited shall be dealt with as far as may be, as if it were such treasure or portion.

Decision of Peishkar final, and no suit to lie against him for acts done *bona fide*.

16. No decision passed or act done by the Peishkar under this Regulation shall be called in question by any Civil Court and no suit or other proceeding shall lie against him for anything done in good faith in exercise of the powers hereby conferred.

Peishkar to exercise powers of Civil Court.

17. A Peishkar making any enquiry under this Regulation may exercise any power conferred by the Code of Civil Procedure on a Civil Court for the trial of suits.

Power to make Rules.

18. Our Government may, from time to time, make Rules consistent with this Regulation, to regulate proceedings hereunder. Such Rules shall, on being published in Our Gazette, have the force of law.

Penalty on finder failing to give notice, etc.

19. If the finder of any treasure fails to give the notice, or does not either make the deposit or give the security required by Section 3, or alters or attempts to alter such treasure so as to conceal its identity, the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in Our Government,

Secs. 19 & 20: In the Indian Act, the punishment provided (1) for finder failing to give notice is imprisonment for a term which may extend to one year, or fine, or both, and (2) for owner abetting offence is imprisonment which may extend to six months, or fine, or both. These penalties were modified by the Select Committee who were of opinion "that, considering the nature of the acts which are made offences under Secs. 19 and 20, imprisonment as a substantive punishment is unnecessary and that a fine (and simple imprisonment in default of payment thereof) will be adequate punishment for the offences."—

S. C. R., Pr. 7.

and he shall, on conviction before a Magistrate, be punished with fine, and in default of payment of the fine, with simple imprisonment as provided in Section 56 of the Travancore Penal Code.

Penalty on owner abetting offence under Section 19.

20. If the owner of the place in which any treasure is found abets any offence under Section 19, the share of such treasure, or the money in lieu thereof, to which he would otherwise be entitled, shall vest in Our Government,

and he shall, on conviction before a Magistrate, be punished with fine, and in default of payment of the fine, with simple imprisonment as provided in Section 56 of the Travancore Penal Code.

REGULATION V OF 1084.

ARMS REGULATION.

CONTENTS.

I.—Preliminary.

Preamble.
Sections.

1.	Short title	1
	Local extent.	
	Savings.	
2.	Commencement	2
3.	Repeal of enactments	3
4.	Interpretation-Clause	4
	"Cannon".	
	"Arms".	
	"Ammunition".	
	"Military stores".	
	"License" and "Licensed".	

II.—Manufacture, Conversion and Sale

5.	Unlicensed manufacture, conversion and sale prohibited ...	5

The figures on the right refer to the corresponding Sections of the Indian Arms Act XI of 1878.

Sections.

III.—Import, Export and Transport.

6. Unlicensed importation and exportation prohibited ... 6
7. Power to prohibit transport 10
Transhipment of arms.
8. Power to establish search stations 11

IV.—Going armed and Possessing arms, &c.

9. Prohibition of going armed without license... ... 13
10. Unlicensed possession of arms, &c. 14
11. Arms of which possession has become unlawful to be deposited at Police-station 16

V.—Licenses.

12. Power to make Rules as to licenses 17
13. Cancelling and suspension of license 18
14. Power to Government to cancel or suspend license ... "

VI.—Penalties.

15. For breach of Sections, 5, 6, 7 and 9 to 12 19
16. For concealing arms, &c. 20
17. For breach of license 21
18. For knowingly purchasing arms, &c., from unlicensed person ... 22
For delivering arms, &c., to person not authorised to possess them.
19. Penalty for breach of Rule 23
20. Power to confiscate 24

VII.—Miscellaneous.

21. Search and seizure by Magistrate 25
22. Seizure and detention by Our Government ... 26
23. Power to exempt 27
24. Information to be given regarding offences ... 28
25. Prosecution not to be instituted without sanction ... 29
26. Operation of other laws not barred 31
27. Power to take census of arms 32

A Regulation to consolidate and amend the law relating to Arms, Ammunition and Military Stores

Passed by His Highness the Maha Raja of Travancore on the 27th July 1909 corresponding with the 12th Karkatakom 1084, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Arms, Ammunition and Military stores; It is hereby enacted as follows :—

Arms law.—(1) The first Regulation on the subject was III of 1061, passed to provide for the due control of the export, import, manufacture and sale of arms, ammunition and military stores. This was done chiefly to prevent fire arms and ammunition being landed in Travancore and thence smuggled by backwater and land to British territories especially Malabar.—*A. R., 1061.*

(2) In view to better regulate the fee payable under Sec. 9 of Regn. III of 1061, a small amending Regulation, I of 1069, was passed. The object of this enactment was to take power to the Government to revise from time to time the fee levied on applications for licenses to manufacture or sell arms and ammunition, which fee was fixed by the law at Rs. 2 on each application. This Regulation also fixed the maximum fee leviable at Rs. 50. The object in view was to reduce the number of petty shops that sprang up under the very low fee.—*A. R., 1069.*

(3) The existing enactment repeals both the above Regulations, consolidating and amending the law relating to arms, ammunition and military stores.

Regn. V of 1084: 1. *Objects and Reasons.*—(1) "1. The existing Arms Regulation controls only the manufacture, export and import of arms, ammunition and military stores, and does not place any restrictions on the possession and use of arms. The British Arms Act No. XI of 1878 contains provisions regulating the possession and the use of arms, and it is found advisable to introduce corresponding provisions in the Travancore law.

2. The question of introducing the necessary amendments in the Arms Regulation so as to place restrictions on the possession and use of arms, was referred to all the Division Peishkars and to the Superintendent of Police, the Conservator of Forests, the Superintendent of the Cardamom Hills and the former Commercial Agent, for an expression of their views. * * * All of them are of opinion that the definition of 'arms' given in the British Act, has too wide a significance and that the proposed law need apply only to fire-arms. The three Peishkars who have expressed their opinion, are, however, against the introduction of the proposed law altogether. They think that the peaceful character of the inhabitants and the necessity for the use of fire-arms in places situated within or on the borders of forest tracts, forbid the restriction suggested, and that the free use of fire-arms is not attended with any danger in the present circumstances of the country. But the other Officers to whom the matter was referred are of opinion that the proposed amendment of the law should be adopted.

3. With a view to ensure uniformity with the practice prevailing in British India, it has been thought advisable to restrict the possession and use of arms in this State also. Travancore is so closely connected with the British Indian territories that any disturbance in the neighbouring country is likely to affect Travancore also.

The Shanar-Marava riots furnish an instance. The unrestricted use of fire-arms may, it is thought, prove a source of danger under certain circumstances. As there is, however, a concensus of opinion that the restriction need be made only in respect to the possession of fire-arms and need not be extended to other arms referred to in the British Act, the word 'arms' is defined in the Bill so as to exclude swords, daggers, spears, spearheads, bows, arrows.

4. The Bill is drafted on the lines of the *British* Indian *Act* No. XI of 1878, the only important difference being the modification in the definition of the term 'arms'.

5. As the number of amendments required to be introduced in the existing Regulation so as to make it accord with the British Act, would be numerous, I have thought that a consolidated law recast on the lines of the British enactment, may prove more useful and convenient than an amending Regulation.

6. The following note shows at a glance the points of difference between the Bill and the British Act, and the reasons for the modifications :—

(i) *Sec. 1, Clause (b)*, (Sec. 1, Clause (*b*), of the British Act). The word 'Volunteer' is omitted in the Bill, because the use of fire-arms by British Indian Volunteers and by British Military detachments stationed in the country might be provided for by a special order of Government, such as is referred to in the Section.

(ii) *Sec. 4* (Sec. 4 of the British Act). The term 'arms' is defined in the Bill so as to include only fire-arms, bayonets, cannon and parts of arms and machinery for *manufacturing* arms. Swords, daggers, spears, spear-heads, bows and arrows which are included in the definition given in the British Act, have been omitted in the Bill, because these weapons are now harmlessly used by the people and their possession and use are not attended with any special danger to public safety. Bows and arrows especially, are used only for shooting fish and birds, chiefly by the hill tribes.

(iii)

(iv) *Sec. 10, para 2* (Sec. 12, Para 2, of the British Act). The words 'or a Magistrate' at the close of the second para of Section in the Bill, are not found in the British Act. They have been added because any person apprehended with fire-arms by any one who is not a Police-Officer or Magistrate may be delivered over to a Magistrate as well as to a Police-Officer whoever may be seen first.

(v) *Sec. 15 of the British Act.* This Section has been omitted in the Bill because it refers to Act No. XXXI of 1860 which has no applicability to Travancore. Secs. 11 and 12 in the Bill (Secs. 13 and 14 of the British Act) cover also the special cases referred to in Sec. 15 of the Act.

(vi) *Sec. 13, Para 1* (Sec. 16, Para 1, of the British Act). The words 'or by the issue of a notification under Sec. 15' found in the Act are omitted in the Bill, because Sec. 15 of the British Act has itself been omitted.

(vii) *Sec. 14, Clause (a)* (Sec. 17 of the British Act). This Clause, *viz.*, 'fix the routes by which arms, ammunition and military stores may be imported or exported' is not found in the British Act. It has been added because the present Regulation provides that the import and export of fire-arms, &c., by sea, should be made only through the port of Alleppey and it may be necessary to fix the routes in future also.— *S. O & R.*

(2) In the course of his speech in moving that the principle of the Bill be affirmed, the Official Member in charge said :—"Suffice it to say that, by confining the applicability of the proposed law to fire-arms, bayonets and cannon, and by allowing the people to freely use other weapons, the rigour of the measure has been considerably reduced, as compared with what it is in British India.

"It will also be seen that Sec. 24 of the Bill enables Government to exempt any per-

I.—Preliminary.

Short title. Local extent.

1. This Regulation shall be called "The Travancore Arms Regulation"; and it extends to the whole of Travancore.

Savings.

But nothing herein contained shall apply to—

(a) arms, ammunition or military stores on board any sea-going vessel and forming part of her ordinary armament or equipment; or

(b) the manufacture, conversion, sale, import, export, transport, bearing or possession of arms, ammunition or military stores, by order of Our Government, or by a public servant in the course of his duty as such public servant.

Commencement.

2. This Regulation shall come into force on the 1st Vrischikom 1085.

Repeal of enactment.

3. On and from that day, Regulation III of 1061 and Regulation I of 1069 shall be repealed. But all authorities and permissions given, licenses and exemptions granted, orders and appointments made, Notifications published, and Rules, conditions and Forms prescribed, under any enactment hereby repealed, shall be deemed to be respectively, given, granted, made, published and prescribed under this Regulation.

And all such authorities, permissions, licenses and exemptions shall, except as otherwise provided by this Regulation, continue in force for the periods for which they may have been given or granted respectively, or, where no such period is expressly fixed, for one year from the date on which this Regulation comes into force, and shall then cease to have effect.

---

son or classes of persons, or to exclude any part of Travancore from the operation of the law. Thus, means is afforded for granting concessions in favour of persons residing in places where the use of fire-arms is absolutely necessary for protection from wild beasts."— *L. C. P., dated 11-3-1908.*

II. The Bill was published in the Gazette dated 10-12-1907, and introduced in the Council and referred to a Select Committee on 11-3-1908 (*T. G. G., dated 24-3-1908*). The Committee's Report was published on 26-1-1909, and presented to, and considered by, the Council, on 25-2-1909 (*T. G. G., dated 9-3-1909*). The Bill as amended by the Council was published on 9-3-1909. The Bill was finally read and passed by the Council on 26-7-1909 (*T. G. G., dated 27-7-1909*). The Regulation was published in the Gazette dated 27-7-1909.

4. In this Regulation, unless there be something repugnant in the subject or context,—

Interpretation-Clause.

"Cannon" includes also all howitzers, mortars, wall-pieces, mitrailleuses and other ordnance and machine-guns, all parts of the same, and all carriages, platforms and appliances for mounting, transporting and serving the same :

"Arms" includes fire-arms and bayonets, also cannon and parts of arms, and machinery for manufacturing arms, but does not include swords, daggers, spears, spearheads, bows and arrows :

"Ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, gun-cotton, dynamite, lithofracteur and other explosive or fulminating material, gun-flints, gun-wads, percussion-caps, fuses and friction-tubes, all parts of ammunition, and all machinery for manufacturing ammunition, but does not include lead, sulphur, or saltpetre :

"Military stores", in any Section of this Regulation as applied to any part of Travancore, means any military stores to which Our Government may from time to time, by Notification in the Official Gazette, specially extend such Section in such part, and includes also all lead, sulphur, saltpetre and other material to which Our Government may, from time to time, so extend such Section :

"License" means a license granted under this Regulation, and "licensed" means holding such license.

II.—Manufacture, Conversion and Sale.

5. No person shall manufacture, convert, sell, keep, or offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Unlicensed manufacture, conversion and sale prohibited.

Sec. 4: *Arms.*—The definition differs from that in the Indian Act. See Objects and Reasons, Pr. 6 (ii), *Supra.*

Sec. 5: In the second para of the Section in the Indian Act, the words—"*to any person other than a person entitled to possess the same by reason of an exemption under Sec. 27 of this Act*"—occur after the words "arms or ammunition." These words were in the original Bill and the Select Committee passed them. When the Bill was considered by the Council, they were omitted on the suggestion of the President who said:—"Ordinarily, it would be well to insist that, in every case of sale of arms and ammunition, information should be given to the authorities. If, however, in particular cases or areas, exemption is found desirable, action may be taken under Sec. 24."—

L. C. P., dated 25-2-1909.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not, by any enactment for the time being in force, prohibited from possessing the same; but every person so selling arms or ammunition shall, without unnecessary delay, give to the nearest Magistrate or to the Officer in charge of the nearest Police-station, notice of the sale and of the purchaser's name and address.

III.—Import, Export and Transport.

Unlicensed importation and exportation prohibited.

6. No person shall bring or take, by sea or by land, into or out of Travancore, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted by such license.

Explanation.—Arms, ammunition and military stores taken from one part of Travancore to another, by sea or across intervening territory not being part of Travancore, are taken out of and brought into Travancore within the meaning of this Section.

Power to prohibit transport.

7. Our Government may, from time to time, by Notification in the Official Gazette,—

(a) regulate or prohibit the transport of any description of arms, ammunition or military stores, over the whole of Travancore or any part thereof, either altogether or except under a license and to the extent and in the manner permitted by such license, and

(b) cancel any such Notification.

Transhipment of arms.

Explanation.—Arms, ammunition or military stores transhipped at a port in Travancore are transported within the meaning of this Section.

Power to establish search stations.

8. Our Government may, at any places along the boundary line between Travancore and foreign territory, and at such distance within such line as they deem expedient, establish searching posts at which all vessels, carts

---

Sec. 6: As in the Indian Act, the original Bill contained a second Para which allowed import and export of arms and ammunition in reasonable quantities for his own private use by a person lawfully entitled to possess them. The Council omitted the Para on the motion of the Member in charge who said that "the existing rule, requiring licenses for the import and export of arms and ammunition in all cases, is good and needs no change."— *L. C. P., dated 25-2-1909.*

and baggage-animals and all boxes, bales and packages in transit, may be stopped and searched for arms, ammunition and military stores, by any Officer empowered by Our Government in this behalf by name or in virtue of his office.

IV.—Going armed and possessing Arms, etc.

Prohibition of going armed without license.

9. No person shall go armed with any arms, except under a license and to the extent and in the manner permitted thereby.

Any person so going armed, without a license or in contravention of its provisions, may be disarmed by any Magistrate, Police-Officer or other person empowered by Our Government in this behalf by name or by virtue of his office.

Unlicensed possession of arms, &c.

10. No person shall have in his possession or under his control any arms, or any ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Arms of which possession has become unlawful to be deposited at Police-station.

11. Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license, become unlawful, shall deposit the same without unnecessary delay with the Officer in charge of the nearest Police-station.

If the owner of anything deposited under this Section does not, within three years from the date on which such thing is so deposited, produce a license authorising him to possess the same, and apply for delivery of the same, such thing shall be forfeited to Our Government.

Sec. 8: After the corresponding Sec. 11 of the Indian Act, there is, in that Act, a Section (12) which empowers any person to arrest without warrant any person carrying arms, &c., under suspicious circumstances, and further, details the procedure thereon. This Section found a place in the original Bill slightly amended—*Vide* Objects and Reasons, Pr. 6 (iv), *Supra*. The Section was omitted by the Council on the motion of an Official Member who said that "the power may be abused in many cases. For instance, persons taking arms with them to hilly tracts may be supposed to have an intention of using them against the game laws and may therefore be arrested under the Section. For purposes of public safety, I think the provisions of the ordinary law will suffice."—

L. C. P., dated 25-8-1909.

Sec. 10: Sec. 14 of the Indian Act is :—"No person......control any *cannon or fire-arms*, or any ammunition...permitted thereby." On the motion of the Member in charge, the Council substituted the word "arms" for the words italicised, as it includes fire-arms, cannon, &c.—*L. C. P., dated 25-8-1909.*

V.—Licenses.

12. Our Government may, from time to time, by Notification in the Official Gazette, make Rules to determine the Officers by whom, the Form in which and the terms and conditions on and subject to which, any license shall be granted; and may by such Rules, among other matters,—

Power to make Rules as to licenses.

(a) fix the routes by which arms, ammunition and military stores may be imported or exported;

(b) fix the period for which any license shall continue in force;

(c) fix a fee, payable by stamp or otherwise, in respect of any such license;

(d) direct that the holder of any license, other than a license for possession, shall keep a record or account, in such Form as Our Government may prescribe, of anything done under such license, and exhibit such record or account when called upon by an Officer of Government so to do;

(e) empower any Officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured, or kept by any person holding a license of the description referred to in Section 5 or Section 6;

(f) direct that any such person shall exhibit the entire stock of arms, ammunition and military stores in his possession or under his control, on demand, to any Officer of Government so empowered; and

(g) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or military stores covered by the same, when called upon by an Officer of Government so to do.

13. Any license may be cancelled or suspended—

Cancelling and suspension of license.

(a) by the Officer by whom the same was granted, or by any authority to which he may be subordinate, or by any Magistrate of a District, within the local

---

Sec. 12: (1) *Clause* (a).—See Objects and Reasons, Pr. 6 (vii), *Supra*.

(2) *Clause* (c).—In the Indian Act, the words "other than a license for possession" occur at the end of the Clause. The words were in the original Bill, but the Council omitted them on the motion of the Member in charge who said that there need not be "a general exemption from the payment of fee in the case of licenses for possession."—*L. C. P., dated 25-2-1909.*

(3) *Clause* (f).—The words 'on demand' found in the Clause do not occur in the Indian Act. They were put on the motion of the Member in charge to make the meaning clear.— *Ibid.*

limits of whose jurisdiction the holder of such license may be, when, for reasons to be recorded in writing, such Officer, authority, or Magistrate deems it necessary for the security of the public peace to cancel or suspend such license; or

(*b*) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Regulation, or against the Rules made under this Regulation.

Power to Government to cancel or suspend license.

14. Our Government may, at their discretion, by a Notification in the Official Gazette, cancel or suspend all or any licenses, throughout the whole or any portion of Travancore.

VI.—Penalties.

For breach of Sections 5, 6, 7 and 9 to 12.

15. Whoever commits any of the following offences (namely):—

(*a*) manufactures, converts, sells, keeps, or offers or exposes for sale, any arms, ammunition or military stores, in contravention of the provisions of Section 5;

(*b*) fails to give notice as required by the same Section;

(*c*) imports or exports any arms, ammunition or military stores, in contravention of the provisions of Section 6;

(*d*) transports any arms, ammunition or military stores, in contravention of a regulation or prohibition issued under Section 7;

(*e*) goes armed, in contravention of the provisions of Section 9;

(*f*) has in his possession or under his control, any arms, ammunition or military stores, in contravention of the provisions of Section 10;

(*g*) intentionally makes any false entry in a record or account which, by a Rule made under Section 12, Clause (*d*), he is required to keep;

(*h*) intentionally fails to exhibit anything which, by a Rule made under Section 12, Clause (*f*), he is required to exhibit; or

(*i*) fails to deposit arms, ammunition or military stores, as required by Section 11;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Sec. 15: Case Law.

1. The failure to keep regular accounts as prescribed by Sec. 11 of Regn. III of 1061 was not punishable under Sec. 14 of the Regulation.

Sec. 14 expressly makes only three classes of acts done contrary to its provision penal, *viz.*, (1) the importing or attempting to import, (2) exporting or attempting to export, and (3) selling or manufacturing arms or ammunition or military stores. The keeping of accounts by a licensed dealer (which the accused was) is only a precautionary measure which, however, necessary for purposes of prevention, does not distinctly fall under any of the classes above specified. This view is supported by the provisions of the British Indian Arms Act (XI of 1878) which in Secs. 21 and 23 makes separate provisions for the punishment of other omissions than those specified in Sec. 19 which corresponds with our Sec. 14 and imposes lighter penalties for such omissions. In the absence of such provisions in our Act, we cannot, by mere inference or analogy based on considerations of legislative policy, extend a penal enactment beyond its express words.

The keeping of accounts need not be a part of the act of sale or manufacture. There may be sales and manufactures without keeping accounts and *vice versa*, and when only one of these acts is made penal, the inference rather is that the other was not intended to be included under that category.

[Sec. 14 of Regn. III of 1061 was as follows :—" Whoever, contrary to the provisions contained in this Regulation, shall import or attempt to import, or export or attempt to export, or shall sell or manufacture arms or ammunition or military stores as hereinbefore specified, shall on conviction be liable to imprisonment of either description which may extend to three years, or fine, or both.']. 15 T. L. R., App., *9.*

2. The manufacture of blue lights (*Mathappu*) does not come within the prohibition of Sec. 14 of the old Regn. III of 1061.—

15 T. L. R. App., *12.*

3. The sale of crackers without a license was not an offence under Regn. III of 1061.

The corresponding Act in British India had been held not to cover mere fireworks, and looking to the Preamble and to the scope and object of our Regulation, it could not be held that the sale was an offence. The explosive or fulminating material referred to in the definition enacted by Sec. 1 must be construed to be materials used in war or for purposes of warfare. The crackers are ordinarily not such.— 18 T. L. R., *178.*

4. The accused was convicted under Sec. 15 (*e*) of the Arms Regulation for having gone with a gun along a public road. He contended, in revision, that he could not be held guilty as the Government had framed no Rules under Sec. 12 for the issue of licenses and that the mere going about with a weapon could not be said to be "going armed" within the meaning of Sec. 15 (*e*). *Held.*—(1) The Courts are bound to enforce the law, however hard it may be, if one has brought himself within its clutches and the non-issue of Rules by Government was no answer to the charge. (2) "Going armed" in Sec. 15 (*e*) meant something more than carrying a weapon; it meant carrying a weapon with the intention of using it as a weapon when the necessity or opportunity arises. (3) In the absence of any satisfactory explanation and proof for it, the presumption was that he was carrying the gun with the intention of using it, should an opportunity for using it arise.—

27 T. L. R., *164.*

27576.N.396

16. Whoever, on any search being made under Section 21, conceals or attempts to conceal any arms, ammunition or military stores, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

For concealing arms, &c.

17. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act, shall, when the doing or omitting to do such act is not punishable under Section 15 or Section 16, be punished with fine which may extend to five hundred rupees.

For breach of license.

18. Whoever knowingly purchases any arms, ammunition or military stores, from any person not licensed or authorised under the Proviso to Section 5 to sell the same; or

For knowingly purchasing arms, &c., from unlicensed person.

delivers any arms, ammunition or military stores, into the possession of any person without previously ascertaining that such person is legally authorised to possess the same;

For delivering arms, &c., to person not authorised to possess them.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

19. Any person violating any Rule made under this Regulation, and for the violation of which no penalty is provided by this Regulation, shall be punished with fine which may extend to two hundred rupees.

Penalty for breach of Rule.

Sec. 16: Sec. 20 of the Indian Act has the following as the first para:—"*Whoever does any act mentioned in Clause (a), (c), (d) or (f) of Section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code or to any person employed upon a Railway or to the servant of any public carrier.*" This found a place in the original Bill. But it was omitted by the Council on the motion of an Official Member who said:—"Secret breaches of the provisions therein referred to are not of such a grave character as to require enhanced punishment. While in real cases of concealment it will be difficult to prove the intention, the provision may be taken undue advantage of by petty subordinates."— *L. C. P., dated 25-2-1909.*

Sec 17: Under the Indian Act, the offence is punishable also with imprisonment up to six months. Such a provision was made in the original Bill; but it was omitted by the Council on the motion of an Official Member, as it was thought that "in view of the nature of the offence, it would be enough to provide the punishment of fine."— *L. C. P., dated 25-2-1909.*

Sec. 19: The Indian Act provides also for imprisonment up to one month. This was omitted by the Council on the motion of an Official Member, as "for the breach of any Rule passed under the Regulation, imprisonment as a substantive punishment was not considered necessary."— *L. C. P., dated 25-2-1909.*

20. When any person is convicted of an offence punishable under this Regulation, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate, further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage-animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

Power to confiscate.

VII.—Miscellaneous.

21. Whenever any Magistrate has reason to believe that any person, residing within the local limits of his jurisdiction, has in his possession any arms, ammunition or military stores for any unlawful purpose,

Search and seizure by Magistrate.

or that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person or in which such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by a license, in safe custody, for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate, or by, or in the presence of, some Officer specially empowered in this behalf by name or in virtue of his office by Our Government.

22. Our Government may at any time order, or cause to be seized, any arms, ammunition or military stores in the possession of any person, notwithstanding that such person is licensed to possess the same, and may detain the same for such time as the Government think it necessary for the public safety.

Seizure and detention by Our Government.

23. Our Government may, from time to time, by Notification published in the Official Gazette,—

Power to exempt.

(*a*) exempt any person, by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, or withdraw any part of Travancore, from the

operation of any prohibition or direction contained in this Regulation; and

(*b*) cancel any such Notification, and again subject the persons, or things, or the part of Travancore, comprised therein, to the operation of such prohibition or direction.

Information to be given regarding offences.

24. Every public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, give information to the nearest Police-officer regarding any arms, ammunition or military stores, or box, package or bale in transit, which he may have reason to suspect contains arms, ammunition or military stores, in respect of which an offence against this Regulation has been or is being committed.

Prosecution not to be instituted without sanction.

25. No prosecution under this Regulation shall be instituted without the previous sanction of Government or of the Magistrate of the District.

Sec. 24: (1) The Indian Act (Sec. 28) contains the following as the 1st para:—"*Every person aware of the commission of any offence punishable under this Act shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information of the same to the nearest Police-Officer or Magistrate.*" .This Para was in the original Bill; but it was omitted by the Council on the motion of an Official Member as "likely to cause unnecessary hardship."—

L. C. P., dated 25-2-1909.

(2) The words "arms, ammunition or military stores or" were inserted between the words "any" and "box," on the motion of an Official Member who said that "every public carrier should be required to give information to the Police not only of any box, package or bale containing arms, &c., but also the unlawful transport of all arms, &c., whether enclosed in boxes or not."—These words are not found in the Indian Act.—

L. C. P., dated 25-2-1909.

Sec. 25: (1) In the original Bill, the Section followed the Indian Act (Sec. 29) and provided for sanction in the case of an offence punishable under Clause (*e*) or (*f*) of Sec. 15. The existing Section was substituted on the suggestion of the President as "in order that the provisions of the Arms Regulation may not be worked oppressively, it would be better to provide as, in the Public Canals and Public Ferries Regulation, that no prosecution shall be started without the previous sanction of the Government or of the District Magistrate."—

L. C. P., dated 25-2-1909.

(2) After Sec. 29 in the Indian Act, there is one Section (30) which provides that searches in the case of offences against Sec. 19, Clause (*f*), shall be conducted in the presence of some Officer specially appointed in this behalf and not otherwise. This Section found a place in the original Bill; but it was omitted by the Council on the motion of an Official Member, "as the provision that searches under the Section should be made only in the presence of an Officer of Government is cumbrous and unnecessary."—

L. C. P., dated 25-2-1909.

(3) The Indian Act has the following as the last Section:—"*33. No proceeding other than a suit shall be commenced against any*

26. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law, for any act or omission which constitutes an offence against this Regulation or the Rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation: Provided that no person shall be punished twice for the same offence.

Operation of other laws not barred.

27. Our Government may, from time to time, by Notification in the Official Gazette, direct a census to be taken of all arms in any local area, and empower any person, by name or in virtue of his office, to take such census.

Power to take census of arms.

On the issue of any such Notification, all persons possessing any arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms, when so required, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

---

person for anything done in pursuance of this Act, without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause " Such a provision was in the original Bill; but the Council omitted it on the motion of the Member in charge who said:—"It will be inexpedient to provide that notice should always be given before proceedings are instituted under the Regulation."— *L. C. P., dated 25-8-1909.*

RULES AND NOTIFICATIONS.

I. RULES.

In exercise of the powers conferred by Sections 4, 7, 12 and 23 of Regulation V of 1084 and in supersession of the Notifications dated the 8th November 1909 and 29th January 1912 and amendments thereto, the following Rules are

Passed by the Government of His Highness the Maharaja, under date the 15th July 1922 corresponding to the 31st Mithunom 1097.(a)

1. These Rules may be called the Travancore Arms Rules, and they shall come into force on the 1st day of Chingom 1098.

2. (1) In these Rules—

'The Regulation' means the Travancore Arms Regulation, V of 1084.

'Form' means a Form as set out in Schedule V.

(2) The General Clauses Regulation shall apply for the purpose of the interpretation of these Rules in like manner as it applies for the purpose of the interpretation of any Regulation or Proclamation in Travancore.

3. (1) The persons and classes of persons, the arms and ammunition, specified or described in Schedule I to III are respectively exempted and excluded to the extent and subject to the conditions therein specified from the operation of prohibitions and directions contained in the Regulation:

Provided that the exemptions specified in Schedules I and II are made subject to the following conditions, namely:—

(a) they shall not be deemed to render lawful the import, export or transport of arms, ammunition or military stores through the Post or Anchal Office;

(b) any person so exempted may be required by any general or special order in writing by the Dewan to register in such manner as may be specified in the order any fire-arm or ammunition for the same in respect of which he is exempted from the operation of any provision of the Regulation;

(c) every person shall, on the loss or theft of any arm in respect of which he is so exempted, forthwith report the occurrence at the nearest Police-station; and

---

(a) *T. G. G., dated 8-8-1922, Pt. I.*

(*d*) the Government may, by Notification in the Government Gazette, direct that any such exemption upon a class of persons shall cease to extend to any person included in that class who may be named in the Notification.

(2) Any person failing to comply with any condition of exemption set out in proviso to Sub-rule (1) shall be deemed to have violated these Rules.

4. For the purposes of the definition of "Military stores" in Section 4 of the Regulation, all Sections of the Regulation are extended throughout Travancore to all lead, sulphur and saltpetre.

Import.

5. (1) A license shall not be granted for import by sea or backwater or by land of—

(*a*) (i) cannon,

(ii) articles designed for torpedo service,

(iii) submarine mining,

(iv) war-rockets,

(v) dynamite and machinery for the manufacture of arms and ammunition, or

(*b*) rifles of ·303 or ·450 bore or parts of or fittings for rifles of such bore, or

(*c*) balled ammunition which can be fired from rifles of the bores referred to in (*b*), or

(*d*) appliances the object of which is the silencing of fire-arms.

(2) Nothing in Sub-rule (1) shall be deemed to prohibit the grant of a license for the import of rifles of the bore referred to in Sub-clause (*b*) or parts of or fittings for rifles of such bore or of balled ammunition referred to in Sub-clause (*c*) of Sub-rule (1) which are lawfully possessed in British India.

6. Save as otherwise provided for by Rule 5, licenses to import arms or ammunition or military stores by sea may be granted in Form I by the Dewan, provided that the licensee has taken the previous permission of the British Resident in Travancore. In the case of arms, ammunition or military stores imported from British India a copy of the license will be sent to the British Resident in Travancore.

7. (1) Save as otherwise provided for by Rule 5, licenses to import arms, ammunition or military stores by land or backwater may be granted by the Dewan in Form II.

(2) Such licenses may be granted for the import of arms which—

(*a*) belong to any person who resides outside Travancore and is exempted under Schedule II from the necessity of taking out a license for going armed

with, or for possessing, such arms if the previous permission of the British Resident has been obtained therefor, and

(*b*) having been exported for the purpose of repair, is imported after repair.

(3) Licenses under Sub-rules (1) and (2) will be granted if the previous permission of the British Resident has been obtained therefor.

(4) In the case of arms, ammunition or military stores imported from British India, a copy of the license will be sent to the British Resident.

8. Persons desirous of importing arms, ammunition or military stores should, after having obtained the previous permission of the Resident, apply to the Dewan in Travancore in accordance with the instructions contained in the Circular Memorandum issued by the Resident and detailed in Schedule IV. In the case of imports from Cochin, the applicants should also produce the export licenses from the Cochin State.

9. *Bona fide* travellers, who carry arms and ammunition for personal protection and who do not wish to import them into Travancore, are permitted to deposit the same at the nearest Customs Office at the time of their entry into the State. The Customs Officer should give a receipt for the arms and ammunition so deposited and should return them to the owners at the time of their leaving the State, obtaining from the latter an acknowledgment for the same. The Customs Officer cannot undertake to oil or clean the arms deposited.

[9-A. In cases where there is obviously no doubt about the social standing of the traveller, the firearms brought by such traveller may be passed by the Customs Officer, on payment of duty, if any, the owner being informed at the same time that he should obtain the requisite licenses within a fortnight of arrival at his destination. As a safeguard the address of the passenger should be taken and an intimation giving all necessary details in regard to the arm or arms and the owner thereof should be immediately sent by the Customs Officer to the Government through the Excise Commissioner. In cases, however, where the Customs Officer is doubtful as to the propriety of allowing any weapon to be taken into the State without a license, the procedure prescribed in Rule 9 should be followed.] (*a*)

10. (1) General licenses valid for a period not exceeding one year from the date of issue may be granted by the Dewan in Form III to applicants who have obtained the previous permission of the Resident, to carry through the frontiers of the State, arms, ammunition or military stores in reasonable quantities and for *bona fide* purposes of sport or protection.

(*a*) Added by Govt. Notifn. R. Dis. No. 962/Judl., dated 27th March 1923.—*T. G. G., dated 3-4-1923, Pt. I, P. 763.*

(2) General licenses may be granted under Sub-rule (1) only to persons licensed or exempted under the Regulations of their own State, who have occasion frequently to carry arms and ammunition across the frontiers.

11. Persons desirous of importing arms, ammunition or military stores under a license must write legibly on the cases or packages containing such articles a declaration of their contents.

12. (1) The consignee of arms, ammunition or military stores imported under a license, shall—

(a) if the consignment is by sea, produce the license before the Customs Officer at the port of shipping or consignment before the articles are allowed to be removed, and

(b) if the consignment is imported by land or backwater, deliver the license within six days of the arrival of such consignment to the local Magistrate.

(2) Every Officer before whom a license is produced or to whom a license is delivered under Sub-rule (1) shall satisfy himself—

(a) that the arms, ammunition or military stores correspond with the descriptions given in the license; and

(b) that any deficiency is properly accounted for.

Export.

13. (1) Licenses to export arms, ammunition or military stores by sea from any of the Ports in Travancore may be granted by the District Magistrate in Form IV.

(2) The authority granting a license under this Rule shall send a copy of such license to the agent or master of the vessel by which it is intended that the arms, ammunition or military stores covered by the license shall be shipped, and such agent or master shall not receive for despatch any case or package containing arms, ammunition or military stores unless such case or package is accompanied by the original license and shall satisfy himself—

(a) that the arms, ammunition or stores correspond with the description given in such license, and

(b) that such license is identical in substance with the copy sent to him.

14. (1) A license for the export by land or backwater of arms, ammunition or military stores to any place outside Travancore may be granted by the District Magistrate in Form V.

(2) Where the arms, ammunition or stores are exported by land or backwater, a copy of the license shall forthwith be sent to the District Magistrate

of the District out of which they cross the frontier of Travancore and such Magistrate may in his discretion require the licensee to produce them for inspection before allowing them to leave the District.

15. A license may be granted by the District Magistrate for arms which are exported solely for the purpose of repairs.

16. In the case of arms, ammunition or military stores exported under Rules 13, 14 and 15 to any Port in or any part of British India, a copy of the license shall be sent by the District Magistrate to the Dewan for transmission to the British Resident in Travancore.

17. (1) Where any arms, ammunition or military stores are exported by land or backwater, the license shall, within six days of the arrival of the consignment in the District out of which it is to cross the frontier and before it so crosses, be delivered to the District Magistrate of such District or to such Officer as the District Magistrate may appoint for the purpose.

(2) Every Officer to whom a license is delivered under Sub-rule (1) shall satisfy himself—

(a) that the arms, ammunition or stores correspond with the description given in the license; and

(b) that any deficiency is properly accounted for.

18. Persons exporting arms, ammunition or military stores must write legibly on the cases or packages containing such articles a declaration of their contents.

Import and Re-Export.

19. Where a vessel bound for a Port other than a Port in Travancore calls at any Port in Travancore in the course of its voyage and there remains for a period exceeding forty-eight hours, any arms, ammunition or military stores in the possession of any passenger not exempted from any liability to take out a license in respect of such possession shall be delivered by him to the Customs Officer to be detained until the departure by sea of such passenger and it shall not be necessary for such passenger to take out any license in respect of arms, ammunition or military stores so delivered and detained.

Transport.

20. (1) Save as herein otherwise provided, the transport of arms, ammunition or military stores is prohibited over the whole of Travancore, except under a license to the extent and in the manner permitted by such license.

(2) Nothing in Sub-rule (1) shall be deemed to apply—

(a) to arms, ammunition or military stores which are covered by a license for their import or export and are being transported in accordance with such license—

(i) from the Port or other place of import to the place of destination in Travancore ;

(ii) from the place of despatch in Travancore to the Port or other place of export ; or

(iii) by transhipment in the Port of import for re-export by sea ;

(b) to arms, ammunition or military stores transported—

(i) in reasonable quantities for his own use from the premises of a licensed dealer, by any person licensed to possess such articles or exempted from the liability to obtain such a license ; or

(ii) by a licensed dealer, where such articles are transported in a case or package legibly addressed to such a person as is referred to in Sub-clause (1), in compliance with an order given by such person for the supply of such articles in reasonable quantities for his own use ; or

(c) to arms and ammunition transported in reasonable quantities for his own use by any person lawfully entitled to possess arms or to go armed.

21. (1) A license for the transport of arms, ammunition or military stores may be granted by the District Magistrate in Form VI.

(2) A copy of every license granted under Sub-rule (1) for transport beyond the local limits of the authority of the Officer granting it shall forthwith be sent to the District Magistrate of the District in which the place is situated.

(3) A copy of every license granted under Sub-rule (1) by a District Magistrate for transport within the limits of his District shall forthwith be sent to the Subordinate Magistrate having authority at the place to which the arms, ammunition or stores are consigned.

22. (1) The consignee of any arms, ammunition or military stores transported by land or backwater under a license shall deliver the license within six days of the arrival of the consignment at its destination to the local Magistrate.

(2) Any Officer to whom a license is delivered under Sub-rule (1) shall satisfy himself—

(a) that the arms, ammunition or military stores correspond with the description given in the license; and

(b) that the deficiency is properly accounted for.

Manufacture and Sale.

23. (1) A license—

(a) in Form VII to manufacture, convert, sell or keep for sale ; or

(b) in Form VIII to sell and keep for sale, any arms, ammunition or military stores;

may be granted by the District Magistrate.

(2) Every license-holder under the Rule shall keep, in such Forms as the Government may from time to time direct, registers of all arms, manufactured or converted, of all ammunition or military stores manufactured, of all stock in hand and of all sales.

(3) Every Magistrate and every Police-Officer not below the rank of Inspector or, if the Government so direct, of Sub-Inspector may, within the local limits of his authority,—

(a) enter and inspect any premises in which arms, ammunition or military stores are manufactured, converted, sold or kept for sale, and

(b) examine the stock and accounts of receipts and sale of arms, ammunition or military stores.

24. A license to keep for safe custody fire-arms deposited by their owners for that purpose may be granted in Form IX by the District Magistrate to the holder of a license in Form VII or VIII.

Possession.

25. A license for the possession only of fire-arms (other than pistols and revolvers), ammunition or military stores may be granted in Form X by the District Magistrate.

Possession and going Armed.

26. (1) A license for the possession of arms mentioned in Rule 5 (1) (a) shall not be granted.

(2) Subject to the provisions contained in Sub-rule (1), a license for the possession of arms and ammunition in reasonable quantities and for going armed for the purpose of sport, protection or display may be granted in Form XI by the District Magistrate:

Provided that—

(i) no license shall be granted for the possession of rifles of ·303 or ·450 bore or of ammunition for the same or for going armed with such rifles, unless such rifles and ammunition have been lawfully imported into Travancore; and

(ii) no license shall be granted in respect of balled ammunition for rifles of such bores, unless the authority granting the license is satisfied that such rifle is lawfully possessed by the owner thereof for sporting purposes, and the amount of balled ammunition which such licensee may possess during the period of twelve months next ensuing shall be entered in the license.

(3) A license granted under Sub-rule (2) shall ordinarily be valid only in the District in which it is granted:

Provided that any such license may on counter-signature by any other District Magistrate be made valid in the District of such other District Magistrate.

27. A license for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to human beings may be granted in Form XII by the District Magistrate.

28. A license for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to crops or cattle may be granted in Form XIII by the District Magistrate:

Provided that such license—

(a) shall be granted only to *bona fide* cultivators: and

(b) shall be valid only in the place or area specified in the license by the licensing Officer.

29. (1) A license for going armed on a journey in or through any District may be granted in Form XIV by the Magistrate of the District.

(2) Where such Magistrate receives an application for a license of the nature referred to in Sub-rule (1) from any person who—

(a) is not resident within the local limits of his authority, or

(b) is not personally known to him,

he shall, before granting the license, ascertain whether there is any objection to the grant of the license unless, for reasons to be recorded, he considers this precaution to be unnecessary.

30. License may be granted by the District Magistrate in Form XV to contractors, cultivators and other persons entitling the holders to possess and transport gun-powder and fuses, when the same are proved to the satisfaction of the District Magistrate to be required *bona fide* in the case of licenses granted to contractors for blasting purposes, and, in the case of licenses granted to cultivators and other persons, for similar purpose in connection with agricultural works or works of public utility. No license shall be granted under this Rule to possess and transport gun-powder and fuses in quantities exceedings 30 lbs.

31. Licenses may be granted by the District Magistrate to contractors and other persons without payment of any fee, entitling the holders to transport dynamite, blasting gelatine and detonating caps, when the same are proved to the satisfaction of the District Magistrate to be required *bona fide* for blasting purpose. Such licenses also shall be given in Form XV. No license shall be granted under this Rule to transport dynamite, blasting gelatine and detonating caps in quantities exceeding 30 lbs.

Application for and Grant of Licenses.

32. (1) Every person who wishes to obtain a license under these Rules shall apply in writing to the authority empowered to grant such license, and shall in such application furnish all such particulars as may be necessary to enable such license to be granted.

(2) In particular and without prejudice to the generality of Sub-rule (1), every application for a license—

(*a*) for import by land or backwater,

(*b*) for the export,

(*c*) for the transport,

of any arms, ammunition or military stores shall specify—

(i) the place of destination,

(ii) the route,

(iii) the time likely to be occupied in the journey, and

(iv) the quantity, description and price of each kind of arms, ammunition or stores in respect of which the license is required and the purpose for which they are intended.

(3) Where the grant of the license requires the previous sanction of some other authority specified in Rules 6 and 7, the application shall state whether such previous sanction has been obtained, and, if so, shall be supported by evidence thereof.

33. (1) Every license shall be granted or renewed in the apppropriate Form, save as otherwise therein expressly provided, and the arms, ammunition or military stores specified and the persons named in the license shall alone be covered thereby.

(2) Every such license shall be written or printed in English and in the Vernacular of the Taluk.

34. (1) Save as herein otherwise provided, every license under these Rules shall, unless previously cancelled, be in force for such period and expire on such day as, subject to any restrictions or limitations provided in the appropriate Form, the authority granting it may enter thereon.

(2) A license for the transport of arms, ammunition or military stores shall not, save for special reasons to be recorded by the authority granting it, be granted for a period longer than twice the time likely to be occupied in the journey to the place of destination by the route indicated in the license.

(3) Every license may, at its expiration and subject to the same conditions (if any) as to previous sanction as would apply in the granting thereof, be renewed by the authority who granted it.

35. (1) Every authority empowered to grant or renew a license may, in his discretion,

(a) refuse to grant or renew such license, or

(b) where the authority is subordinate to the Dewan, refer the application to the Dewan.

(2) Every such authority shall exercise all powers and perform all duties, conferred or imposed by these Rules, subject to the control of the executive authorities to whom he is subordinate.

36. (1) Any person who—

(a) holds a license granted or renewed or a pass granted under these Rules, or

(b) is acting under colour of such license or pass,

shall forthwith produce such license or pass upon the demand of any Magistrate or of any Police-Officer of a rank not below that of Officer in charge of a Police-station.

(2) Nothing in Sub-rule (1) shall be deemed to limit or otherwise affect the power of any authority empowered to grant or renew a license to grant or renew it upon any condition, not inconsistent with that Sub-rule, with respect to the production of such license.

37. The authority by whom any license has been granted under Rule 25, 26, 27 or 28 may, for the purpose of satisfying himself that any arms covered by such license are still in the possession of the licensee at any time while the license is in force, by order in writing, require the licensee to produce the arms at such time and place and for the inspection of such person as may be specified in the order.

38. All licenses shall be given and held subject to the conditions endorsed on the reverse and subject to these Rules and subject to the provisions of the Regulation.

Fees.

39. (1) Every license granted or renewed under these Rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) indicated in the Form in which it is granted under these Rules.

(2) Government may, by general or special order, grant exemption from or reduction of the fee payable in respect of the grant or renewal of any license.

40. Where a license granted or renewed under these Rules is lost or accidentally destroyed, the authority empowered to grant such license may grant a duplicate—

(a) where the original license was granted without the payment of any fee, free of all fee ; or

TRIVANDRUM PUBLIC LIBRARY.

(b) in any other case, on payment of a fee of one rupee or of the fee with which the original license was chargeable, whichever is less.

41. (1) All fees payable under Rule 39 or Rule 40 shall be paid by means of impressed stamps.

(2) The Government may, by general or special order, direct in regard to any application for a license or a duplicate in respect of which a fee is payable—

(a) that the application shall be written upon an impressed stamp of a value equal to such fee, and that in such case the license or duplicate shall be granted or renewed on plain paper ; or

(b) that the license shall be written upon an impressed stamp, to be supplied by the applicant, of a value equal to such fee, and that in such case the application may be written on plain paper.

(3) Where a fee of not less than one rupee payable under these Rules has been realised, and the application for the grant or renewal of a license or duplicate is refused, the value of the fee shall be refunded upon application for the same being made within two months from the date of such refusal.

42. Applications for the grant or renewal of a license, whether chargeable with a fee or not, shall be considered to be applications within the meaning of the Court Fees Regulation and shall bear the Court fee stamp prescribed therein. Applications for transfer of license shall be considered as applications for fresh license in the name of the transferee and shall also bear the Court fee stamps prescribed in the Court Fees Regulation.

Cancellation and Savings.

43. The Travancore Arms Rules, 1087, are hereby cancelled :

Provided that all exemptions, exclusions and withdrawals made, all licenses or duplicates granted or renewed, all fees imposed, levied, remitted or reduced, and all powers conferred by or under those Rules shall, so far as they are consistent with these Rules, be deemed to have been respectively made, granted, renewed, imposed, levied, remitted, reduced or conferred hereunder.

SCHEDULE I.

(*See Rule 6.*)

PERSONS EXEMPTED.

The persons or classes of persons specified or described in the first Column of the sub-joined Table are, subject to the provisions of provisos (*b*) and (*c*) to Rule 3, exempted, in respect of the arms and ammunition described in the second Column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Regulation as are indicated in the third Column.

THE TABLE.

Persons or classes of persons.	Arms and ammunition.	Prohibitions and directions.
1. The Dewan, the Judges of the High Court, the Commissioner of Police, and the District Magistrates. 2. The staff of the Police, Excise, Forest, Jail, and other Departments in regard to arms supplied for their use by Government. 3. The Heads and other members of the following swaroopams and families, viz., (1) Edapalli Swaroopam, Kunnathunad Taluk (2) Kilimanur Kottaram, Chirayinkil Taluk (3) Poonjattu Koikkal, Meenachil taluk (4) Vanjipuzha Matom Kottaram, Chengannur Taluk (5) Lekshmipuram Do. Changanacherry Taluk (6) Ananthapurathu Do. Karthigapally Taluk (7) Chempro Do. Do. (8) Mavelikara Do. Mavelikara Taluk (9) Prayikkara Do. Do. (10) Ennakkadu Do. Chengannur Taluk, (11) Panthalathu Koikkal, Mavelikara and Chengannur Taluks (12) Paliakkara Kottaram, Thiruvalla Taluk (13) Nedumpurathu Koikkal, Do. Do. (14) Aranmula Kottaram, Do. Do. (15) Mariapalli, Kottayam Taluk (16) Thekkumkoor Koikkal, Do. Do. (17) Vadakkumkoor Do. Do. Do. (18) Vadasseri Ammaveedu (19) Arumana Do. (20) Nagercoil Do. (21) Thiruvattar Do. (22) Kallampalli Do. (23) Pulimootu Do. (24) Pallathu Kottaram 4. Land holders who pay an assessment of not less than Rs. 500 per annum.	All except— (*a*) cannon; (*b*) articles designed for torpedo service; (*c*) war-rockets.	Sections 9 to 11.

SCHEDULE II.

(See Rule 3).

PERSONS EXEMPTED.

The person or classes of persons specified or described in the first Column of the sub-joined table are, subject to the provisions of provisos (b) and (c) to Rule 3, exempted, in respect of the arms and ammunition described in the second Column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Regulation as are indicated in the fourth Column, subject to the provisos and restrictions entered in the third Column.

THE TABLE.

Persons or classes of persons.	Arms and ammunition	Provisos and restrictions.	Prohibitions and directions.
(1) (a) The Viceroy and Governor-General of India, the Commander-in Chief in India, the Governors, Lieutenant Governors and Chief Commissioners of British Indian Provinces, members of the Council of India when visiting India during their term of office, members of the Executive Councils of the Governor-General, Governors and Lieutenant Governors, Residents of the First Class, Chief Justices and Puisne Judges of High Courts, Judges of Chief Courts, Judicial and Additional Judicial Commissioners, members of Boards of Revenue and Financial Commissioners.	All except— (a) cannon ; (b) articles designed for torpedo service; (c) war-rockets ; (d) rifles of ·303 or ·450 bore (and ammunition which can be fired from the same) not lawfully imported into Travancore: (e) machinery for the manufacture of arms or ammunition ; and (f) appliances the object of which is the silencing of firearms.		Those contained in Sections 9 to 11.
(b) Every Ruling Prince or Chief having a salute of guns.			
(2) (a) Every Ruling Chief not having a salute of guns ;	Do.	This exemption shall be subject to such conditions (if any) as may be agreed to by Government and may, where necessary, be of a general	Do.
(b) such members of the families of Ruling Princes or Chiefs and such nobles, officials or accredited agents of a State			

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions
in India as may be designated by the British Government.		nature dispensing with the necessity of a fresh order on each occasion.	
(c) the retinues of any Prince, Chief or other person referred to in sub-heads (a) and (b) when such Prince, Chief or person is entering, passing through or residing in Travancore to such numbers as may be agreed to by the British Government.			
(d) all officials of British India passing through Travancore on duty.			
(3) Every Maharaja, Raja or Nawab whose title has been conferred or recognised by Government, every Peer, Baronet, Knight Bachelor, and Knight of any Order established by the Crown, and the Khans of Teri and Phulera in the North-West Frontier Province.	All except (a) cannon; (b) articles designed for torpedo service; (c) war rockets; (d) rifles of ·303 or ·450 bore (and ammunition which can be fired from the same) not lawfully imported into Travancore; (e) machinery for the manufacture of arms or ammunition; and (f) appliances the object of which is the silencing of firearms.	The arms or ammunition carried or possessed by any person herein exempted shall be of such descriptions only and shall not exceed such quantities, if any, as may be agreed to by Government to be reasonable for such person to carry or possess.	Those contained in Sections 9 to 11.
(4) Every Consul and Consular Agent.	Do.	Do.	Do.
(5) Every person of Coorg race and every Jumma tenure holder in Coorg, who, by his tenure, is liable to perform military or police duties.	Do.		Do.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(6) The following persons and their retainers, namely :—	All except— (*a*) cannon ; (*b*) articles designed for torpedo service ; (*c*) war-rockets ; (*d*) rifles of ·303 or ·450 bore (and ammunition which can be fired from the same) not lawfully imported into Travancore; (*e*) machinery for the manufacture of arms or ammunition ; and (*f*) appliances the object of which is the silencing of firearms.	This exemption shall be subject to—	Those contained in Sections 9 to 11.
(*a*) the ancient Zamindars and Poligars of the Madras Presidency; every Malikana holder in the Malabar District ; the Prince of Arcot ; M. R. Ry. A. L. A. R. R. M. Arunachalam Chettiyar Avergal, Zamindar of Devakottai in the Ramnad District ; and the Mahant of Tirupati in the North Arcot District of the Madras Presidency ;		(*a*) the orders of Government regarding the persons to be included in this category, the number of retainers and the quantity and description of arms and ammunition to be permitted in each case, the purposes for which such arms may be carried, and	
(*b*) the first class Sardars of the Deccan and Southern Maratha Country States; the first class Sardars of Gujarat ; and such members of the Talpur family and Jagirdars and Zamindars in Sind as the Government of Bombay may designate ;		(*b*) the annual registration of the retainers' weapons exempted, the number and description only being specified.	
(*c*) the great Zamindars of Bengal, Bihar and Orissa, and Assam ;			
(*d*) the great Sardars and Jagirdars of the Panjab and North-West Frontier Province ;			
(*e*) Shan Sawbwas and other Chiefs in Burma ;			
(*f*) (*i*) the Zamindars of the Scheduled Districts of the Central Provinces ;			
(*ii*) the Dewan of Seoni ;			
(*iii*) the Bhuskute of Timarni and Burhanpur ;			

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(iv) the senior representative of the family of the Rao of Saugor;			
(v) the head of the junior branch of the Bhonsla family, known as the Kuar Sahib;			
(vi) the representative of the family of the former Rajas of Sanjor; and			
(g) The Taluqdars of Oudh and Rao Udaibir Singh of Gopalapura, Jalaun, in the United Provinces and such other Zamindars of the United Provinces as may be declared to be great Zamindars.			
(7) Every officer holding a commission from His Majesty, every officer of His Majesty's Indian Forces, and of the Indian Territorial Force, every person who has been enrolled under the Auxiliary Force Act 1920 (XLIX of 1920) and every warrant officer or Staff Sergeant of a British Unit of His Majesty's Regular Forces including a warrant officer or Staff Sergeant who is an instructor of the Auxiliary Force, India or of the Indian Territorial Force.	Single-barrel rifles of ·303 bore required for match-shooting purposes.	1. Only one such rifle at a time shall be imported or used by any person hereby exempted. 2. The rifle shall be sighted to a range of over 1,000 yards. 3. The rifle, shall, in the case of regimental officers, warrant officers, non-commissioned officers, and persons appointed to Corps of the Auxiliary Force, India or of the Indian Territorial Force, become part of the equipment of the Corps to which the owner for the time being belongs.	All.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
		4. The owners shall, at the time of importation, produce a certificate from the Commanding Officer, of the Corps, senior Officer or Head of Department to which he belongs, to the effect that, in the case of regimental officers, warrant officers, non-commissioned officers, and persons appointed to corps of the Auxiliary Force, India or of the Indian Territorial Force, the weapon will be brought on to the equipment ledger of the Corps, and in the case of Staff and Departmental officers, will be brought on to the equipment ledger of a Corps, in the officer's command or office inventory of stores, and will be accounted for in the same manner as other equipment. 5. This exemption shall, in the case of persons appointed to a Corps of the Auxiliary Force, India, or of the Indian Territorial Force, cease to have effect on	

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
		removal of the owner from the Force; provided that, if he departs from India immediately after so being removed, he may take the weapon with him. 6. Any person hereby exempted may dispose of his rifle to another person so exempted, provided that the rifle becomes part of the equipment of the Corps to which the latter belongs and is accounted for as such.	
(8) Every warrant officer, non-commissioned officer and soldier in His Majesty's Regular Force or in any Imperial Service Troops who is in possession of a pass granted and signed by his Commanding Officer. NOTE.—Warrant officers, non-commissioned officers and soldiers, British or Indian, must take out licenses for any private arms, but so long as they are in service, they will not be charged fees for such licenses.	Such arms, if any, as are provided by the British Government for sporting purposes.	This exemption shall apply only in respect of weapons and ammunition entered in the pass and to the areas and for the dates specified in the pass.	Those contained in Sections 9 to 11.
(9) All individual members of the undermentioned classes who were as such exempted under the Indian Arms Rules, 1909, immediately before the coming into force of these Rules:—	All except— (a) cannon; (b) articles designed for torpedo service;	The arms or ammunition carried or possessed by any person herein exempted shall be of such descriptions only and shall not	Do.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
(a) Members of any Order of Knighthood ; (b) Persons holding the Kaiseri-Hind medal ; (c) Persons holding titles conferred or recognized by the Governor-General in Council ; (d) Persons holding swords or other arms received as gifts from the British Government ; (e) Persons holding certificates received on the occasion of the assumption of the title of Empress of India by Her late Majesty Queen Victoria ; (f) Retired officers (other than retired subordinates warrant, petty and non-commissioned officers) of the Royal Navy and retired British Indian Officers within the meaning of Section 7 (1) and (2) of the Indian Army Act, 1911, in receipt as such of a pension ; and (g) Landholders and members of a municipal board or a committee designated for exemption in any list issued in this behalf by the British Government.	(c) war-rockets ; (d) rifles of ·303 or ·450 bore (and ammunition which can be fired from the same) not lawfully imported into Travancore; (e) machinery for the manufacture of arms or ammunition ; and (f) appliances the object of which is the silencing of firearms.	exceed such quantities, if any, as may be agreed to by Government to be responsible for such person to carry or possess.	
(9-A) All members who before the 1st day of January 1920 had been admitted as members of the Distinguished Service Order, the Indian Order of Merit or the Order of British India, or had been awarded the Victoria Cross, the Military Cross, the Distinguished	Do.	Do.	Those contained in Sections 9 to 11.

Persons or classes of persons.	Arms and ammunition.	Provisos and restrictions.	Prohibitions and directions.
flying cross, the Distinguished conduct medal, the Distinguished Fying Medal, the long service and good conduct Medal, the Volunteer Acceration, the King's Police Medal the Volunteer Long Service Medal or the Indian Distinguished Service Medal.			
(10) Such of the second and third class Sardars of the Deccan, of the second class Sardars of Gujarat and of the Mehwasi Cheiftains in the Bombay Presidency as were exempted under the Indian Arms Rules, 1909, and Monorbhan Fatesingh Gumansingh, the Chieftain of Chikali.	All except— (a) cannon ; (b) articles designed for torpedo service ; (c) war rockets ; (d) rifles of ·303 or ·450 bore (and ammunition which can be fired from the same) not lawfully imported into Travancore; (e) machinery for the manufacture of arms or ammunition ; and (f) appliances the object of which is the silencing of firearms.	The arms or ammunition carried or possessed by any person herein exempted shall be of such descriptions only and shall not exceed such quantities if any, as may be agreed to by Government to be reasonable for such person to carry or possess.	Those contained in Sections 9 to 11.
(11) Persons holding swords or other arms received by them as gift from the Governor-General in Council or a local Government.	Such swords or other arms as have been so received together with ammunition for any firearms so received.	The ammunition in respect of which any person is herein exempted shall be of such description only and shall not exceed such quantities as may be agreed to by Government.	All.

SCHEDULE III.

(*See Rule 3.*)

Arms, Ammunition and Military Stores excluded.

Within the areas specified in the first column of the sub joined Table, the arms, ammunition and military stores described in the second Column are excluded from the operation of such prohibitions and directions contained in the Regulation as are indicated in the third Column.

THE TABLE.

Area.	Arms, ammunition or military stores.	Prohibitions and directions.
Travancore.	1. Obsolete fire arms (including cannon) which are unserviceable and whose value, if any, is purely antiquarian.	All.
	2. Explosives made in small quantities for the purpose of chemical experiment and not for practical use or sale ; and	Sections 5 and 10.
	the following classes of explosives when intended *bona fide* for private blasting purposes :—	
	(i) gunpowder in any quantity not exceeding 30 pounds,	Those contained in Section 10.
	(ii) cartridges made with gunpowder and not containing their own means of ignition, and containing in all not more than 30 pounds of gunpowder,	
	(iii) percussion caps,	
	(iv) safety fuses.	
	3. (i) Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and birdshot) up to any quantity ;	All.
	(ii) Leaden bullets and birdshot in quantities not exceeding 1 cwt ;	
	(iii) Saltpetre ;	
	(iv) Sulphur in quantities not exceeding 10 seers.	

SCHEDULE IV.

BRITISH RESIDENT'S CIRCULAR MEMORANDUM.

Any person desiring to bring arms or ammunition from British India into Travancore or Cochin must obtain—

(a) a license from the British Resident to export the said arms or ammunition from British India,

(b) a license from the Dewan of the State concerned to import them,

(2) Each application for the British Resident's export license must be stamped with a British Indian Court fee stamp of the value of one anna and, except in the case of arms (other than cannon) or ammunition to be exported in reasonable quantities for his own private use by a person lawfully entitled to possess such arms or ammunition, must be accompanied by a license fee of Rs. 5.

(3) Applications should be addressed in the first instance to the Assistant Resident, Trivandrum, and should contain,

(a) the name and residence of the applicant and if the applicant does not intend to bring the arms or ammunition into Travancore or Cochin himself, the name and residence of the agent by whom they are to be brought,

(b) an exact description of each of the weapons the applicant proposes to import—bore or calibre, single or double barrelled, rifled or smooth bore, and in the case of revolvers, the pattern,

(c) in the case of ammunition, military stores, etc., the full description including the weight and quantity, or in the case of cartridges the number, bore, whether for rifle or smooth bore, whether loaded or unloaded,

(d) the probable number of packages,

(e) the place of despatch and the route by which the articles are to be imported into the State.

(f) destination.

(g) name and residence of consignee,

(h) the purpose for which the articles are to be imported. A form embodying this information is appended to this memorandum and should, whenever possible, be adopted.

(4) The Resident will forward his export license direct to the applicant and will, at the same time, forward a copy to the Dewan of Travancore or Cochin as the case may be. He cannot undertake to forward applications for import licenses or the fees payable therefor. These should be sent direct to the Dewans of the States by applicants.

(5) (a) Each application for an import license to the Dewan of Travancore should be stamped with a Travancore Court fee stamp of the value of Rs. 2 except when the application is for the import of ammunition in reasonable quantities

required *bona fide* for purposes of sport or protection, when the stamp should be of the value of 2 chuckrams.

(*b*) Each application to the Dewan of Cochin should be stamped with a Cochin Court fee stamp of the value of Re. 1.

(*c*) Each application to the Dewan of either State should be accompanied by an import license fee of Rs. 5; provided that the Dewan may remit the fee in the case of imports into Travancore of reasonable quantities of ammunition for the personal use of the importer for the purposes of sport or the protection of person or property, or in the case of imports into Cochin, of arms, ammunition or military stores in reasonable quantities, required *bona fide* for purposes of protection of person or property.

(6) To meet the case of persons who have occasion to carry arms and ammunition frequently across the frontiers of the States for the purposes of sport or protection, a general license valid for one year from the date of issue, may be granted in Travancore by the Dewan and in Cochin by the District Magistrate with the sanction of the Dewan. In Travancore such licenses will be granted on payment of a fee of Rs. 10 and in Cochin free of fee to persons exempted under the Arms Regulation of the State and on payment of a fee of Rs. 10 to others.

(7) Applicants should arrange for the import of the articles licensed within the period for which the licenses are valid. Applications for the renewal of licenses must be stamped in the same way and be accompanied by the same license fees as the original applications.

(8) The attention of licensed vendors of ammunition and military stores is drawn to the following further instructions :—

They should forward to the Resident before the close of January of every year their application for permission to import ammunition (percussion caps, gunpowder, sulphur, etc.) into the State for that year, *showing the quantity sold by them under each head in the previous year and their demand for the current year.*

Applications subsequently received will ordinarily be disregarded. In January the Resident will issue permits to some or all of the various importers whose applications have been received allotting to each a fair proportion of the total quantity of each article for which licenses will be granted for the year. Petitions subsequently received for permits to export will be liable to summary rejection.

These rules come into force from 17th August 1922.

Resident's Office,
Trivandrum, 28th May 1922.

H. H. BURKITT,
Resident.

LICENSE TO EXPORT ARMS, AMMUNITION OR MILITARY STORES BY RIVER OR LAND.

Name and residence of License-holder, and agent if any.	No. of Packages.	Arms.		Ammunition or Military Stores.		Place of de-patch and route.	Purpose for which consignment is required.	Destination.	Name and residence of consignee.	Period for which the license is valid.
		Description.	Number.	Description.	Weight or Number.					
										From of 192 . to the

1. This license is granted subject to all the provisions of the Indian Arms Act, 11 of 1878 (XI of 1878 and of the Indian Arms Rules, 1920.)

2. The article shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken, nor shall the consignment be stopped before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expressions "Arms" "Ammunition" or "Military Stores" as the case may be, so as to be readily recognizable by the Railway authorities.

SCHEDULE V.

(See Rule 2.)

Form I.

(See Rule 6).

FEE—Ten Rupees.

License for the import of arms, ammunition or military stores by sea into the port of—

Name, description and residence of licensee and agent (if any).	Number of packages.	Arms.		Ammunition or Military stores		Purpose for which required.	Value of the firearms per piece.	Place where articles are to be deposited or to which they are to be despatched	Period for which the license is valid.
		Description.	Number.	Description.	Weight or number.				
1	2	3	4	5	6	7	8	9	10
									From the .... to the...... ......11 .

(Signature.)

The.................................... Seal. *Dewan.*

of....................................

.........................11 .

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.
2. An account of the contents of each package shall be legibly written thereon.
3. The articles shall be either—
   (a) deposited
   (i) in a ware-house appointed under Section 14 of the Sea Customs Regulation, V of 1088, or
   (ii) in a ware-house licensed under Section 15 of the Sea Customs Regulation, V of 1088, or
   (b) forthwith despatched to their place of destination.

Form II.

(See Rule 7).

FEE—

(a) Where granted under Rule 7 (1), FIVE RUPEES.

(b) Where granted under Rule 7 (2), FREE OF ALL FEE.

License for the import of arms, ammunition or military stores by land or backwater.

Name, description and residence of licensee and agent (if any).	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which required.	Place of destination.	Name, description and residence of consignee.	Period for which the license is valid.
		Description.	Number.	Description.	Weight or number.					
1	2	3	4	5	6	7	8	9	10	11
										From the... .... to the...... ....11 .

(Signature.)

Dewan.

Seal.

The.................................
of.................................
.........................11 .

} Date on which a copy is sent to the British Resident

The..........of..........11 .

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and, where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms," "Ammunition" or "Military Stores" (as the case may be, so as to be readily recognizable by the railway authorities.

Form III.

(See Rule 10.)

FEE—Ten Rupees.

License to carry arms, ammunition or military stores through the frontiers of the State.

Serial number of license.	Name, description and residence of licensee.	Arms.		Ammunition or military stores.		Purpose for which granted.	Period for which license is valid.
		Description.	Number.	Description.	Number or weight.		
1	2	3	4	5	6	7	8
							From the ....11... to the.... ....11...

The..................of......................11........ { Date on which the previous sanction of the British Resident was obtained.

Dewan.

Seal.

The...............of..................11........

Conditions

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.
2. This covers only the person and the arms, &c., named herein.
3. This is valid only for the period named herein.
4. This authorises the holder to carry the arms, &c., covered by this through the frontier Chowkeys of the State for *bona fide* protection or sport.
5. This must be produced before the Customs Officers.

Form No. IV.

(See Rule 13.)

FEE—Five Rupees.

License for the export by sea of arms, ammunition or military stores from the port of..........to the port of...........

Name, description and residence of licensee and agent (if any).	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which required	Place of destination.	Name, description and residence of consignee.	Period for which the license is valid.
		Description.	Number.	Description.	Weight or number.					
1	2	3	4	5	6	7	8	9	10	11
										From the .... to the... 11

(Signature.)
District Magistrate.

The.....................
of......................
............11
The...........*of*......*11*

Date on which a copy is sent to,
(1) the Dewan (rule 16)
(2) the Agent or Master of vessel at the.................port [rule 13 (3)]

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The articles shall not be conveyed by any route other than that specified in column 7; and bulk shall not be broken, or the consignment stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms", "Ammunition" or "Military Stores", as the case may be so as to be readily recognizable by the railway authorities.

Form No. V.

(See Rules 14 and 15)

FEE—

(*a*) Where granted under Rule 14, FIVE RUPEES.

(*b*) Where granted under Rule 15, FREE OF ALL FEE.

License for the export by land or backwater.

Name, description and residence of licensee and agent (if any)	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which required	Place of destination.	Name, description and residence of consignee.	Period for which the license is valid.
		Description.	Number.	Description.	Weight or number.					
1	2	3	4	5	6	7	8	9	10	11
										From the .... to the... ......11 .

(Signature)

District Magistrate.

The............ *of*............... ......11 .	Date on which a copy is sent to the Dewan (rule 16) District Magistrate of the—district [rule 14 (2)]

The...................*of*.........*11* .

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The articles shall not be conveyed by any route other than that specified in column 7 and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms" "Ammunition" or "Military Stores", as the case may be, so as to be readily recognizable by the railway authorities.

Form VI.

(*See Rule 21*).

FEE—Ten Rupees.

License for the transport of arms, ammunition or military stores.

Name, description and residence of licensee and agent (if any) authorized for the purpose of this consignment.	Licensee's place of business, if any.	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch, route and mode of transit.	Place of destination	Name, description and residence of consignee.	Period for which the licence is valid.
			Description.	Number.	Description.	Weight or number.				
1	2	3	4	5	6	7	8	9	10	11
										From the .... to the... .... 11 .

The............ of.............. ......11 . { Date on which a copy is sent to the District Magistrate of the......district [rule 21 (2)] Magistrate at.........[rule 21 (3)].

The..........................11 .

(Signature.)

District Magistrate.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The articles shall not be conveyed by any route other than that specified in column 8; and bulk shall not be broken, nor shall the consignment be stopped before the articles reach the place of destination.

3. An account of the contents of each package shall be legibly written thereon; and, where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms" "Ammunition" or "Military Stores", as the case may be, so as to be readily recognizable by the railway authorities.

4. The articles shall be delivered only to a person lawfully entitled to receive them.

Form VII.

[*See Rule 23* (1) (*a*).]

FEE—Twenty Rupees.

License to manufacture, convert, sell or keep for sale, arms, ammunition or military stores.

Serial number of license.	Name, description and residence of licensee.	Place of business, factory or shop.	Description of Arms.		Description of Ammunition or Military Stores.		Date on which the license expires.
			To be manufactured or converted.	To be sold or kept for sale.	To be manufactured.	To be sold or kept for sale.	
1	2	3	4	5	6	7	8

(Signature.)

District Magistrate.

The............of...........11 .

Seal.

Form for renewal of the license.

Date and year of renewal.	Date on which the renewed license expires.	Signature of District Magistrate.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The licensee shall maintain registers of all arms manufactured or converted, of all ammunition and military stores manufactured, of all stock in hand, and of all sales in such form as the Government may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Inspector, or, if the Government so direct, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop a signboard, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "Licensed to manufacture (or "Licensed to deal in" as the case may be) arms, ammunition and military stores".

(2) He shall also affix in his place of business, factory or shop a copy of Section 24 of the Travancore Arms Regulation, V of 1084, either in English or in the Vernacular of the district.

5. He shall at the time of purchase endorse upon the license of every purchaser holding a license in Form XI, XII, XIII or XIV—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his Register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Government may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Government for such person and which is endorsed on such person's license.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business, factory or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces or an officer or sepoy of the Nair Brigade, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores or, unless he is specially authorised in this behalf by the Government, keep or sell revolvers manufactured out of India or magazine pistols.

Explanation.—For the purposes of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" and "Government military stores" mean respectively ammunition and military stores manufactured or prepared for and supplied to the Government.

12. Save where the Government direct the omission of this condition, the licensee shall forthwith give information at the nearest police station of the loss or theft of any arms, ammunition or military stores covered by the license.

Form VIII.

[*See Rule* 23 (1) (*b*)]

FEE—Ten Rupees.

License to sell and keep for sale arms, ammunition or military stores.

Serial number of license.	Name, description and residence of licensee.	Place of business or shop.	Description of		Date on which the license expires.
			Arms.	Ammunition or military stores.	
1	2	3	4	5	6

(Signature.)

The................of..............11 Seal. *District Magistrate.*

Form for renewal of the license.

Date and year of renewal.	Date on which the renewed license expires.	Signature of District Magistrate.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales, in such form as the Government may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police-officer of a rank not below that of Inspector, or, if the Government so direct, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop a sign-board, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "Licensed to deal in arms, ammunition and military stores."

(2) He shall also affix in his place of business or shop a copy of Section 24 of the Travancore Arms Regulation, V of 1084, in English or in the Vernacular of the district.

5. He shall at the time of purchase of arms endorse upon the license of every purchaser holding a license in Form XI, XII, XIII, or XIV—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Government may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Government for such person and which is endorsed on such person's license.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces or an officer or sepoy of the Nair Brigade, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores or, unless he is specially authorised in this behalf by the Government, keep or sell revolvers manufactured out of India or magazine pistols.

Explanation.—For the purposes of this condition

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" and "Government military stores" mean respectively ammunition and military stores manufactured or prepared for and supplied to Government.

12. Save where the Government direct the omission of this condition, the licensee shall forthwith give information at the nearest police station of the loss or theft of any arms, ammunition or military stores covered by the license.

Form IX.

(*See Rule 24*).

FREE OF ALL FEE.

License for the possession by holders of licenses in Form VII or VIII of arms deposited by their owners for safe keeping.

Name, description and residence of owner.	Description of firearms.	Place (with description where articles are to be kept).	Period for which the license is valid.
1	2	3	4

(Signature).

The..................of..............11 Seal

District Magistrate.

Note.—A license in this form will be granted for a period ending on the day on which the licensee's license in Form VII or VIII as the case may be, is due to expire.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. It covers only firearms of the description given in column 2 so long as they are kept in the place described in column 3 but does not authorise the licensee—

(i) to go armed, or

(ii) to keep Government arms.

Explanation.—For the purpose of this condition "Government arm" means a firearm which is the property of the Government.

3. The licensee shall maintain a register of all arms in his possession under this license in such form as the Government may direct.

4. He shall exhibit such arms and his register on the demand of any Magistrate or any Police-officer of a rank not below that of Inspector, or if the Government so direct, of Sub-Inspector.

5. The licensee shall forthwith give information at the nearest Police Station of the loss or theft of any arms covered by the license.

Form X.

(*See Rule 25*).

FREE OF ALL FEE.

License for the possession of firearms (other than pistols or revolvers), ammunition or military stores.

Name, description and residence of licensee and agents (if any).	Number and description of firearms.	Ammunition or Military Stores.		Place (with description) where articles are to be kept.	* Period for which the license is valid.
		Description.	Quantity.		
1	2	3	4	5	6

(Signature).
District Magistrate.

Seal.

The..................of..............11 .

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. It covers only the firearms, ammunition and stores specified in columns 2, 3 and 4 so long as they are kept in the place described in column 5, but does not authorize the licensee—

(i) to go armed, or

(ii) to keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government ; and

(*b*) "Government ammunition" means ammunition manufactured, or prepared for and supplied to Government.

3. Condition 2 (ii) may be cancelled by the authority granting the license, if empowered to do so by the Government, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

4. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms covered by the license.

5. The authority granting the license has the right to inquire at any time during the currency of the license, whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an inquiry.

* Note—A license in this form may be granted for any period not exceeding three years.

Form XI.

(See Rule 26.)

FEE—(*a*) if the arm or ammunition is of the kind referred to in rule 26 (1), proviso (ii) Free of All Fee;

(*b*) in other cases ... ... 14 Chackrams.

(*c*) for pistols and revolvers... ... Rupees ten.

(*d*) for breach-loading weapons ... Rupees five.

The above mentioned fees are for licenses granted for periods of one year or less. A license in this form may be granted for any period exceeding one year and not exceeding three years; in which case, unless the license is free of all fee, a compounded fee shall be levied.

License for the possession of arms and ammunition and for going armed for the purpose of sport / protection. / display

Serial number of license.	Name, description and residence of licensee and agents (if any).	Arms or ammunition that licensee is entitled to possess.		Retainers (if any) covered by the license.					District or place within which the license is valid.	Date on which the license expires.
		Description.	Quantity.	Name of retainer.	Name of retainer's father	Address of retainer.	Arms or ammunition that retainer is entitled to possess.			
							Description.	Quantity.		
1	2	3	4	5	6	7	8	9	10	11

(Signature.)

District Magistrate.

The............of............11 . Seal.

Form for Renewal of the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of District Magistrate of the—district.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 5.

3. Except as provided in rule 26, it extends only to the district or place specified in column 10.

4. The licensee or any retainer acting under this license shall not go armed with any arms covered thereby otherwise than in good faith for the purpose of sport / protection / display, and save where he is specially authorized in this behalf by the District Magistrate, he shall not take any such arms to a fair, religious procession or other public assemblage.

5. The licensee, at the time of purchasing any new arms or ammunition, shall cause the following particulars to be endorsed upon his license under the vendor's signature, namely :—

(a) the name, description and residence of the person who takes delivery of the articles purchased ;

(b) the nature and quantity of the articles purchased ; and

(c) the date of purchase.

6. He shall not purchase ammunition in excess of the maximum which may from time to time be fixed by the Government.

7. Save where the Government direct the omission of this condition, he shall forthwith give information at the nearest police station of the loss or theft of any arms covered by the license.

8. He shall not possess Government arms and ammunition.

Explanation.—For the purposes of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government ; and

(b) "Government ammunition" means ammunition manufactured or prepared for and supplied to Government.

9. Condition 8 may be cancelled by the authority granting the license if empowered to do so by the Government, and an endorsement added showing the Government arms and ammunition which the licensee is authorized to possess.

10. Where the license is granted for the purpose of sport, the licensee or any retainer acting under the license shall observe such close season as may be prescribed by the Government in respect of the game-birds and animals hereinafter set forth below.

11. The licensee shall report any change of his permanent residence to the authority who granted him the license.

12. The authority granting the license has the right to inquire at any time during the currency of the license whether the weapon for which it has been granted is still in the possession of the licensee, and to require the production of the weapon for the purposes of such inquiry.

Form XII.

(*See Rule 27.*)

FREE OF ALL FEE.

License for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to human beings.

Name, description and residence of licensee.	Arms and Ammunition.		Place or area for which the license is granted.	Specification of the wild beasts which may be destroyed under this license.	* Period for which the license is valid	Title and residence of Magistrate to whom the license and weapon must be shown between the 15th November and the 31st December.
	Description.	Quantity.				
1	2	3	4	5	6	7

(Signature.)

District Magistrate.

Seal

....

The.............. *of*..............*10* .

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. Once every year, between the 15th November and the 31st December, the licensee shall produce this license and every weapon covered thereby before the Magistrate referred to in column 7.

3. He shall not go armed with any arms covered by this license otherwise than in good faith for the destruction of wild animals which do injury to human beings nor shall he take any such arms to a fair, religious procession or other public assemblage, or to any considerable distance beyond the place or area entered in column 4.

4. He shall forthwith give information at the nearest police station of the loss or theft of any arms covered by this license.

5. He shall not keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

* NOTE.—A license in this form may be granted for any period not exceeding three years.

(*b*) "Government ammunition" means ammunition manufactured or prepared for and supplied to Government.

6. Condition 5 may be cancelled by the authority granting the license, if empowered to do so by the Government, and an endorsement added showing the Government arms and ammunition which the licensee is entitled to possess.

7. The licensee shall not purchase ammunition in excess of the maximum which may from time to time be fixed by the Government.

8. At the time of purchasing any new arms or ammunition, he shall cause the following particulars to be endorsed upon his license under the vendor's signature, namely:—

(*a*) the name, description and residence of the person who takes delivery of the articles purchased;

(*b*) the nature and quantity of the articles purchased; and

(*c*) the date of purchase.

9. Without prejudice to the voidance of this license for breach of any of the foregoing conditions, it shall be void if—

(*a*) the licensee dies, or

(*b*) any weapon covered thereby—

(i) is sold, or

(ii) is attached in execution of a decree.

10. The authority granting the license has the right to inquire at any time during the currency of the license whether any weapon for which it has been granted is still in the possession of the license-holder, and to require the production of the weapon for the purposes of such inquiry.

Form XIII.

(*See Rule 28*).

FREE OF ALL FEE.

License for the possession of arms and ammunition and for going armed for the destruction of wild animals doing injury to crops or cattle.

Name, description and residence of licensee.	Name and description of any member of the licensee's family, or servant employed to watch crops or cattle, residing with him, by whom the arms covered by the license may be also used.	Arms and Ammunition.		Place or area within which the license is valid.	† Period for which the license is valid.
		Description.	Quantity.		
1	2	3	4	5	6
					From .... To ....

District Magistrate of the....................district

....

The.......................of.....................11 .

....

† NOTE.—A license in this form may be granted for any period not exceeding three years.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. The licensee shall not go armed with any arms covered by this license otherwise than in good faith for the destruction or driving away of wild animals which do injury to the crops or cattle situated in the area specified in the license.

3. He shall not use any arms covered by this license otherwise than in the place or area in which the license is valid.

4. He shall not lend any arms or ammunition covered by this license to any person, other than a member of his family, or servant who may be employed by him to protect the crops or cattle situated in the area specified in the license and who is mentioned in column 2 of the license.

5. He shall forthwith give information at the nearest Police-station of the loss or theft of any arms covered by the license.

6. The licensee shall not keep Government arms or ammunition.

Explanation.—For the purposes of this condition—

(*a*) "Government arm" means a firearm or other weapon which is the property of the Government; and

(*b*) "Government ammunition" means ammunition manufactured or prepared for and supplied to Government.

7. Condition 6 may be cancelled by the authority granting the license if empowered to do so by the Government, and an endorsement added showing the Government arms and ammunition which the licensee is entitled to possess.

8. The licensee shall not purchase ammunition in excess of the maximum which may from time to time be fixed by the Government.

9. At the time of purchasing any new arms or ammunition, he shall cause the following particulars to be endorsed upon his license under the vendor's signature, namely:—

(*a*) the name, description and residence of the person who takes delivery of the articles purchased;

(*b*) the nature and quantity of the articles purchased; and

(*c*) the date of purchase.

10. This license shall be void if the licensee commits a breach of any of the above conditions or if the licensee dies, or if any weapon covered thereby—

(i) is sold,

(ii) is attached in execution of a decree.

11. The authority granting the license has the right to inquire at any time during the currency of the license whether any weapon for which it has been granted is still in the possession of the licensee, and to require production of the weapon for the purposes of such inquiry.

Form XIV.

(See Rule 29.)

FEES—Seven Chuckrams for each weapon.

License for going armed on a journey in or through any District.

Name, description and residence of licensee and agent (if any).	Arms or ammunition that licensee is entitled to carry.		Retainers (if any) covered by the license.					Place of departure, route and place of destination.	Period which the journey is likely to occupy.	Period for which the license is valid.
	Description.	Quantity.	Name of retainer.	Name of retainer's Father or Karanavan.	Address of retainer.	Arms or ammunition that retainer is entitled to carry.				
						Description.	Quantity.			
1	2	3	4	5	6	7	8	9	10	11
										From the... .... to the... 11

(Signature.)

District Magistrate.

....

....

The............of.........11 .

Seal.

Conditions.

1. This license is granted subject to all the provisions of the Travancore Arms Regulation, V of 1084, and of the Travancore Arms Rules, 1097.

2. It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 4.

3. The licensee or any retainer acting under this license shall not, unless specially empowered in this behalf by the authority granting the license, go armed to a fair, religious procession or other public assemblage.

4. The licensee shall, at the time of purchasing any new arms or ammunition, cause the following particulars to be endorsed upon his license under the vendor's signature, namely:—

(a) the name, description and residence of the person who takes delivery of the articles purchased ;

(b) the nature and quantity of the articles purchased ; and

(c) the date of purchase.

5. He shall not go armed with Government arms or ammunition.

Explanation.—For the purposes of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means ammunition manufactured or prepared for and supplied to the Government.

6. He shall forthwith give information at the nearest Police-station of the loss or theft of any arms covered by this license.

Form XV.

(Rules 30 and 31).

FREE OF ALL FEE.

License to possess and transport gunpowder, fuses, dynamite, blasting gelatine and detonating caps, for bona fide *blasting purposes.*

Name of license-holder with particulars of residence.	Columns to be filled in cases of transport.			Quantity of gunpowder, fuses, &c.	Place within which the license is valid.	Term for which the license is valid.
	Place of despatch, route and mode of transit.	Time for which the license is valid.	Destination.			
		From the..... 11...to the......11...				From the .... 11......to the........11...

Date. (Signature).

Seal.

Dewan.

Conditions

1. This license is subject to the provisions of the Travancore Arms Regulation, V of 1084, and of the Rules framed thereunder.

2. It covers only the person and the quantity of gunpowder, fuses, dynamite, &c., named.

3. It extends only to the place named, and is void after expiration of the term mentioned.

4. In cases of transport, the license becomes void, if the time occupied in transit exceeds the period specified, or if the consignment breaks bulk before reaching the place of destination, or if the articles are taken by any other route than that specified in the license.

5. The contents of each package covered by the license must be described in legible letters on the outside of such package.

6. This license must be delivered to the local Magistrate and the articles must be available for exhibition to such Magistrate within six days of their arrival at their destination.

(2)

Rules relating to the disposal of arms, ammunition and military stores, forfeited or confiscated to the Government.

(Dated 24th August 1912/9th Chingom 1088.) (a)

1. All arms, ammunition and military stores forfeited or confiscated to the Government under the provisions of the Arms Regulation, V of 1084, or under the provisions of any other law for the time being in force, shall be sent to the Superintendent of Police.

2. Arms, ammunition and military stores which can be utilised by the Police or by any other Department, may be retained and brought into use with the sanction of the Government. Arms, ammunition and military stores not so retained, may be sold to licensed dealers or other persons authorised to possess them.

3. Arms, ammunition and military stores not disposed of according to Rule 2 *supra*, shall be broken up and the materials sold.

4. Arms, ammunition and military stores not disposed of in the manner provided in Rule 2 or Rule 3 *supra*, shall be destroyed.

5. The Superintendent of Police shall forward to the Court or Officer from whom any arms, ammunition and military stores have been received, a certificate regarding the action taken, as soon as practicable.

6. The Superintendent of Police shall keep or cause to be kept a Register of the arms, ammunition and military stores received, showing the following particulars :—

(*a*) serial number (for each year separately) ;

(*b*) the Court or Officer from whom the arms, ammunition and military stores were received ;

(*c*) the date of receipt ;

(*d*) how disposed of ;

(*e*) the date of disposal ;

(*f*) the date of despatch of certificate to the Court or Officer.

7. The Superintendent of Police, shall, in his annual report, give information as to the number or quantity of arms, ammunition and military stores, received and dealt with under these Rules, how they were disposed of, and what the amount of the sale proceeds, if any, was.

(a) *T. G. G., dated 10-9-1912, Pt. I, P. 1802.*

(3)

Rules relating to the safe custody and disposal of arms deposited in Police-stations.

(No. G. 9146 dated the 13th November 1915/28th Thulam 1091.)

[Issued on 20—11—1915.] (a).

Arms, the possession of which is unlawful owing to the cancellation or expiry of license or otherwise, must be at once deposited in the nearest Police-station. The arms so deposited should be shown in a 'Register of Arms deposited' as per Form annexed, and an accurate description of each arm, with the maker's name and number if given and actual measurements if a country gun, should be given in Column 3. The Station-House Officer is responsible for the safe-guarding of all arms deposited in the Station. The arms should be kept under lock and key.

Arms in deposit in Stations for over three years for which no license has been obtained will be considered forfeit to Government. The Station-House Officer will prepare once a month an extract from the 'Register of Arms deposited' in duplicate, showing therein all time-expired arms and forward it to the District Magistrate, through the District Superintendent of Police, for formal orders declaring the arms 'forfeit to Government.' The District Magistrate will return one copy of the extract with his orders and on receipt of this, the Superintendent should issue an order to the Station-House Officer to send the arms to the Office of the Commissioner of Police. A copy of the Superintendent's order should be sent to the Commissioner of Police. Arms sent to the Commissioner of Police should be accompanied by the extract from the 'Register of Arms received' from the District Magistrate with his orders, and an acknowledgment should be obtained in it for the arms delivered, from the [Manager, Police Commissioner's Office.] (b). Inspecting Officers should, during inspection, check all arms in deposit with the 'Arms Deposit Register' and see that an accurate description of every arm is entered in the Register. They should report having done so in the Inspection Report.

(a) *T. G. G., dated 7-12-1915, Pt. I, P. 2061.*

(b) Substituted for 'Reserve Inspector' by Govt. Notifn. D. Dis. No. 2/J., dated 31st January 1924.—*T. G. G., dated 5-2-1924, Pt. IV, Police Dept., P. 79.*

Serial number.	Date.	Particulars of arms.	By whom deposited or from whom taken.	Residence.		Signature of Station-House Officer, owner and a witness when arms are deposited.	If license obtained, when.	If license not obtained, how, where arms disposed of.	Disignation of Magistrate passing order.	Signature of owner for return of arms, with date.	Signature of Station-House Officer, and date of disposing of arms.
				Village.	Taluk.						
1	2	3	4	5	6	7	8	9	10	11	12

On Label outside 'Register of Arms deposited.'

II. GOVERNMENT NOTIFICATIONS.

(1)

(No. J. 814 dated the 24th January 1914.)

Under Section 23 of the Arms Regulation, V of 1084, it is hereby notified that the Resident and the Assistant Resident are exempted from the operation of all the prohibitions and restrictions contained in the said Regulation.—
T. G. G., dated 3-2-1914, Pt. I. P. 580.

(2)

(R. Dis. No. 1228 Judl.|dated 7th May 1927.)

In confirmation of the Notification No. J. 814, dated 24th January 1914, published at Page 580 of Part I of the Gazette, dated the 3rd February 1914, it is hereby notified, under Section 23 of the Arms Regulation, V of 1084, that the Agent to the Governor-General and the Assistants to the Agent to the Governor-General, Madras States, are exempted from the operation of all the prohibitions and restrictions contained in the said Regulation.— *T. G. G., dated 10-5-1927, Pt. I, P. 686.*

(3)

(No. J. 4553 dated the 26th May 1916|10th June 1916.)

It is hereby notified, under sanction of His Highness the Maha Raja, that the guard attached to the Bank of Madras, Trivandrum, comprising one Havildar and fo r Privates, are included in the class of persons exempted from the operation of Sections 9 and 10 of the Arms Regulation, V of 1084, by Notification No. J. 5631, dated the 4th November 1909, published on page 1966 of Part I of the Government Gazette dated the 9th November 1909.—
T. G. G., dated 20-6-1916, Pt. I, P. 634.

(4)

(No. J. 9545 dated the 10th|23rd November 1916.)

Under Section 23 of the Arms Regulation, V of 1084, it is hereby notified, with the sanction of His Highness the Maharaja, that explosives imported into Travancore by the British Government for their works are exempted from the operation of the prohibitions and restrictions contained in the said Regulation.—
T. G. G., dated 28-11-1916, Pt. I, P. 1177.

(5)

(No. J. 9576 dated the 16th November 1917.)

Under Section 23 of the Arms Regulation, V of 1084, it is hereby notified, with the sanction of His Highness the Maha Raja, that Gazetted Officers of the Indian Telegraph Department are exempted from the prohibitions and restrictions contained in the said Regulation.— *T. G. G., dated 17-11-1917, Pt. I, P. 1259.*

(6)

(R. Dis. No. 1287/Judl., dated 10th May 1923.)

With reference to Section 1 (*b*) of the Travancore Arms Regulation, V of 1084, it is hereby notified that a District Superintendent, an Assistant Superintendent or an Inspector of Police is entitled in the course of his duty as a public servant to bear or possess either a revolver supplied to him by Government or a private revolver or automatic pistol of suitable pattern and ammunition for the same.—

T. G. G., dated 15-5-1923, Pt. IV, Police Dept.

(7)

(R. Dis. No. 1530/Judl., dated 4th June 1923.)

In exercise of the powers conferred by Sub-rule (2) of Rule 39 of the Travancore Arms Rules, the Government of His Highness the Maha Raja are pleased to direct that no fee shall be payable by any member of the Auxiliary Force, India, residing in Travancore, in respect of the grant or renewal of any license issued in Form XI under Rule 26 of the said Rules.—

T. G. G., dated 12-6-1923, Pt. IV, Judl. Dept, P. 603.

(8)

(R. Dis. No. 1237/Judl., dated 7th May 1927.)

In exercise of the powers conferred by Sub-rule (2) of Rule 39 of the Travancore Arms Rules, the Government of Her Highness the Maha Rani Regent are pleased to exempt all Officers of the Excise Department above the rank of Sub-Inspectors from the fee payable for the grant or renewal of a license issued in Form XI under Rule 26 of the said Rules for the possession of one revolver and ammunition for the same and for going armed for the purpose of protection.—

T. G. G., dated 17-5-1927, Pt. I, P. 713.

(9)

CUSTOMS NOTIFICATION.

(Peravagay Department No. 1924 dated 11th November 1904.)

It is hereby notified that His Highness the Maha Raja has been pleased to exempt from Customs duty, arms and ammunition imported into Travancore by the Arab Chiefs of the Aden Protectorate and the Persian Gulf, whose names are included in lists A and B hereto appended. Arms and ammunition imported by the sons of such Chiefs will also be exempted from Customs duty. The exemption is, however, conditional on the production of a certificate signed by the Political Officer concerned showing the status of the Chief, or of his son, and stating the number and description of the weapons which he should be allowed to import into Travancore free of duty. The present procedure under which a deposit of the amount of duty ordinarily payable is required, will be discontinued.

It should be clearly understood that the above concession must not be regarded as affecting or modifying in any way the existing Rules or orders governing the importation into Travancore of arms and ammunition except in so far as the payment of Customs duty, is concerned.— *T. G. G. dated 22—11—1904, Pt. I.*

[The following Lists were substituted by Notification No. P. D. 367, dated 1st March 1905, for the Lists published with the above Notification.—*T. G. G., dated 7-3-1905, Pt. I, Pp. 259-260.*]

List A.

List of Arab Chiefs in the Aden Protectorate.

NOTE.—Only Chiefs receiving stipends from, and in treaty relations with, the Government of India are included in the list.

Serial No.	Chiefs.	Salute.
1	Sultan of Lahej	9 guns.
2	Fadthli Sultan of Shukra	9 guns.
3	Haushabi Sultan of Musoimir bin Ubaid, Ar-Raha and the Haushabi country	...
4	Sultan of the Upper Aulakis (ordinarily spoken of as Upper Aulaki Sultan of Nisab)	...
5	Upper Aulaki Chief of Yeshbum	...
6	Yaffai Sultan of Khanfar, Al Husn Masana Al Rawwa Al Kara and the Lower Yaffai country	...

List A.—*Concld.*

Serial No.	Chiefs.	Salute.
7	The Principal Nakib of the Mausatta Section of the Yaffai-as-Saffal ...	...
8	Sultan of the Yaffai-as-Saffal	...
9	Akrabi Sheikh of Bir Ahmed	..
10	Sultan of Kishn and Socotra	9 guns.
11	The Principal Sheikh of the Rujai Section of the Subeihi ...	...
12	The Principal Sheikh of the Dthubi Section of the Yaffai-as-Saffal ...	..
13	Sheikh of the Muflahai Section of the Yaffai-as-Saffal ...	...
14	Sultan of the Lower Aulaki	...
15	Sultan of Shehr and Mokalla	9 guns. ‡
16	The Principal Wahidi Chief of Bir Ali	...
17	The Principal Wahidi Chief of Balahan	...
18	The Principal Sheikh of the Attiffi Section of the Subaihi ...	...
19	The Principal Sheikh of the Makudumi Section of the Subaihi ...	...
20	Sharif of Behan-al-Kasab	...
21	Alawi Sheikh of Al Kasha and the Alawi country	...
22	The Principal Sheikh of the Mansuri Section of the Subaihi ...	...
23	The Principal Sheikh of the Bahaimi Section of the Subaihi ...	...
24	Sheikh of Irka	...
25	Sheikh of Haura	...
26	Sheikh of the Hadthrami Section of the Yaffai-as-Saffal ...	...
27	Sakladi Sheikh of the Shaibi tribe of the Yaffai-as-Saffal ...	...
28	Amir of Dthala	...
29	The Principal Sheikh of the Dubaini Section of the Subaihi ...	..

§ The present Sultan gets a personal salute of 11 guns.

List B.

List of Arab Chiefs in the Persian Gulf with whom the Government of India have concluded treaties, including the Sultan of Maskat.

Serial No.	Chiefs.	Salute.
1	Sultan of Maskat	21 guns.
2	Sheikh of Koweit	§ 7 do.
3	Sheikh of Bahrein	§ 7 do.
4	Sheikh of Abu Thabi	§ 5 do.
5	Sheikh of Debai	§ 3 do.
6	Sheikh of Shargah ‡	§ 3 do.
7	Sheikh of Ajman	§ 3 do.
8	Sheikh of Um-el-Kowein	§ 3 do.
9	Sheikh of Rasal-Kheima ‡	§ 3 do.

‡ Chiefships of Shargah and Rasal Kheima are at present united under the Chief of Shargah.

§ Fired by British ships of War in the Persian Gulf at the termination of an official visit by these Chiefs.

REGULATION I OF 1085.

A Regulation to amend the Vakils Regulation, III of 1075

Passed by His Highness the Maha Raja of Travancore on the 30th September 1909 corresponding with the 15th Kanni 1085, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Vakils Regulation, III of 1075; It is hereby enacted as follows:—

I. Insert a new Section—14-A.

Sirkar Vakil exempted from Sections 8, 13 & 14.

"The provisions of Sections 6, 13 and 14 shall not apply to a Vakil or any other person, whether holding a permanent appointment or not under Government, who may be appointed under the orders of Government to be, or to act as, or to be in charge of the office of, Head Sirkar Vakil, Assistant Head Sirkar Vakil or Sirkar Vakil."

II. In Section 13, omit the words "Sirkar Vakil".

REGULATION IV OF 1085.

A Regulation to amend the Public Gambling Regulation, III of 1071

Passed by His Highness the Maha Raja of Travancore on the 24th December 1909 corresponding with the 10th Dhanu 1085, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend Regulation III of 1071; It is hereby enacted as follows:—

1. This Regulation shall be taken as part of Regulation III of 1071.

2. In Section 3, omit the word "or", between the words "wager" and "stake", and insert the words "or otherwise", after the word "stake" and before the words "shall be &c," in line 5; and insert the word "present", between the words "found there" and "for the purpose."

Add the following to the same Section:—"and any person found in any common gaming house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming."

3. In Section 4, omit the words "of a District or a Magistrate of the First Class."

4. Add two Sections—4-A and 4-B.

Proof of keeping, or of gaming in, common gaming-house.

4-A. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming, are found in any house, walled enclosure, room or place, entered or searched under the provisions of the last preceding Section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police-Officer, or any of his Assistants.

Penalty for refusing to give name or address and for giving false name or address.

4-B. If any person, found in any common gaming-house entered by any Magistrate or Officer of the Police under the provisions of this Regulation, before being arrested by such Officer, or upon being brought before any Magistrate, on being required by such Officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding Rs. 500, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

5. Add a Section—5-A.

Proof of playing for money not required for conviction.

5-A. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game, was playing for money, wager or stake.

6. Add a Section—11-A.

Payment of portion of fine to informer.

11-A. The Magistrate trying the case may direct any portion of any fine which shall be levied under Sections 2 and 3 of Regulation III of 1071, or any part of the moneys or proceeds of articles seized or ordered to be forfeited under the said Regulation, to be paid to an informer.

REGULATION VI OF 1085. (a)

THE WEIGHTS AND MEASURES REGULATION.

CONTENTS.

Preamble.

I.—Preliminary.

Sections.

1. Short title, extent and commencement.

II.—Standards.

2. Standard of weight and measures.
3. Units of weight and measures.
4. Special weights and measures.

III.—Use of new Weights and Measures.

5. Contracts by weights and measures.

IV.—Wardens.

6. Appointment of Wardens.
7. Power to make Rules.
8. Warden may refuse to verify or correct things unfit.
9. Exercise of any of Warden's powers.

V.—Penalties.

10. Using unauthorised weights and measures.
11. Counterfeiting Warden's marks.

A Regulation to regulate the Weights and Measures of Travancore

Passed by His Highness the Maha Raja of Travancore on the 10th April 1910 corresponding with the 28th Meenom 1085, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to provide for the adoption of a uniform system of Weights and Measures throughout Travancore; It is hereby enacted as follows:—

Weights and Measures law.—As early as the year 1010 M. E., attempt seems to have been made to regulate by law the use of correct weights and measures. In Regulation

(a) Amended by Regulation IV of 1092.

VI of that year, passed for giving greater efficiency to the system of Police, the following provisions were made:—"Sec. 22. * * and in order to prevent frauds being committed in using false weights and measures at markets and fairs, the Dewan shall cause Parahs, Edangalies, Koles, &c., to be properly prepared and regulated, and shall forward them with the Sirkar Stamps affixed to the respective Police-Officers who shall prevent all irregularities.

"Sec. 23. Police-Officers are empowered to investigate all cases respecting frauds committed in using false weights and measures, and on their being satisfactorily proved, they are authorised to confine such offenders and forward the proceedings accompanied by a report of the particulars of the case to the Dewan Cutcherry and abide by its orders."

Regn. VI of 1085: I. *Objects and Reasons.*—(1) "In September 1901, a Bill to regulate the weights and measures of this State was introduced into the Council. In the Statement of Objects and Reasons attached to that Bill, the Member explained the reasons for the measure as follows:—"'The want of authorised weights and measures has led to disputes and to complaints of frauds in dealings between purchasers and sellers of goods, and although under Chapter XIII of the Penal Code, certain offences in regard to weights and measures are made punishable, the want above mentioned has made that portion of the law a dead-letter. The object of this Bill is to supply this want and thereby to create a certainty of feeling that each person gets his money's worth of goods, and is not cheated.'

"This Bill passed the Select Committee stage and the report of the Committee and the Bill as amended by them were taken up for consideration at the meeting of the Council held on the 7th September 1903. Since then, nothing, however, was done in the matter, and by the operation of Rule 67 of the "Rules for the conduct of business of the Legislative Council," the Bill was removed from the list of business. This is the stage at which we now stand in regard to a measure the necessity for which has been recognised on all hands. The reasons explained have not abated, but on the other hand, the representations made at the successive Sessions of the Sri Mulam Popular Assembly by the delegates elected by the people go to show that the need for legislative interference is becoming more and more intense.

"The present Bill is drafted on the lines of the corresponding British Indian enactments and differs very little from the Bill introduced on a previous occasion.

"The fixation of the primary standards on which a system of weights and measures is to be constructed is the most important thing in the drafting of a Bill on the subject. As regards weights, the Tola, which is equivalent to the weight of a British rupee, has been taken as the standard, for the reason that the people are very familiar with it and that at present it enters into calculation in reducing to one another the various heterogeneous systems in use in the country. In regard to measures of length, it is thought preferable to adopt the British yard instead of the sub-division Inch, as very few transactions are practically effected in inches and as liability to error in making copies of standards of small dimensions is greater than in the sub-division of a larger unit for practical purposes. The Edangali has been taken as the standard for measures of capacity, because, despite the variations in capacity of the measuring vessels now used in different parts of the country, the standard has already been fixed by the Revenue Settlement Proclamation, and no alteration seems desirable or necessary. Interference with this standard is calculated to upset the contracts already entered into by Government with the ryots in the settled Taluks and involves much confusion and unnecessary labour. The weights and measures authorised for use

will be multiples of the units and as they will have to necessarily vary, they will be fixed by Notification issued by the Government."— *S. O & R.*

(2) In introducing the Bill, the Official Member in charge said: " * * The object of the Bill is to supply the want of authorised weights and measures, which has led to disputes and to complaints of frauds in dealings between purchasers and sellers of goods, and thereby to create a certainty of feeling that each person gets his money's worth of goods and is not cheated. The measure is introduced in conformity with the wishes of the people as reflected in the representations made by the delegates elected by the people at the successive Sessions of the Sri Mulam Popular Assembly, and will, I feel sure, if passed into law, provide means which will prevent the ignorant and unsuspecting masses from being cheated of their dues by unscrupulous traders. The Bill is based on principles which have already been accepted and adopted in civilized countries for securing an identical object, and a similar one was very near being passed into law by this Council nearly five years ago. I therefore take it that there will be very little difference of opinion as to the necessity or reasonableness of the provisions of the Bill and that it will meet with the support, which the circumstances which have led to its preparation call for, at the hands of the Members of this Council.

"Section 2 of the Bill is the most important Section. It lays down the primary standards on which a system of weights and measures is to be constructed. My reasons for preferring the standards which I have embodied in this Section to those which appear to have been suggested by this Council in the course of the discussion on the Bill introduced previously to which reference has already been made, are set forth in the Statement of Objects and Reasons. They commend themselves to me alike on account of their simplicity and familiarity to the general public as well as on account of the very little interference they involve with the existing conditions in the State. Other systems there may be which are perhaps scientifically more accurate and which better accord with the systems in force in the adjoining territories; but the object of the present Bill being merely to introduce a set of weights and measures for general adoption and to penalise the use of those which are not so authorised, none can, in my opinion, claim acceptance more than those which enter into the daily transactions of the people at present and with which they are therefore most acquainted.

"Section 3 treats of the units of weights and measures based on the standards dealt with in Section 2.

"Section 4 is intended to obviate the inconvenience which might obviously follow the adoption of a uniform system throughout the whole State, and power is thereby reserved to Government to declare the magnitude and denomination of the weights and measures other than those authorised for use by the preceding Sections.

"Section 5 prohibits the use of weights and measures and instruments for weighing other than those authorised under the Regulation.

"Sections 6 to 9 form the adjective part of the Regulation. They deal with the manner in which the substantive portions of the Regulation shall be given effect to. Power is taken to Government to make Rules consistent with the Regulation for the carrying out of the provisions of the Regulation.

"Section 10 deals with the penalty with which counterfeiting the marks employed for denoting the authorised weights and measures may be visited. Offences against the other provisions of the Regulation are punishable under Chapter XIII of the Penal Code and are therefore not separately provided for."— *L. C. P., dated 25-8-1909.*

(3) The Regulation seems to be based on the British Indian Acts XXXI of 1871 and II of 1889.

I.—Preliminary.

1. This Regulation may be called "The Travancore Weights and Measures Regulation, 1085."

Short title, extent and commencement.

It shall extend to the whole of Travancore.

It shall come into force on the 1st Chingam 1086.

II.—Standards.

2. The primary standard of weight shall be called a "Tola" and shall be a weight of metal certified to be equivalent to 180 grains Troy or one British Indian rupee.

Standard of weight and measures.

The primary standard for measures of length shall be called a "Yard' and shall be a rod of metal certified to be equal in length to the standard yard of British India.

The primary standard for measures of capacity shall be called an "Edangali" and shall be a measure of metal certified to be capable of holding 80 cubic inches of water.

3. The units of weight and of measures of length and capacity shall be for weights, the said Tola; for measures of length, the said Yard; and for measures of capacity, the said Edangali.

Units of weight and measures.

II. Leave to introduce the Bill was applied for and granted at the meeting of the Council held on 30-11-1908 (*T. G. G., dated 22-12-1908*). The Bill was published on 19-1-1909, introduced in the Council and referred to a Select Committee on 25-2-1909 (*T. G. G., dated 9-3-1909*). The Committee's Report was published on 4-5-1909. It was presented to, and considered by, the Council on 15-9-1909 (*T. G. G., dated 28-9-1909*). The Bill was finally read and passed on 14-3-1910 (*T. G. G., dated 22-3-1910*). The Regulation was published in the Gazette dated 12-4-1910.

Regn. IV of 1092: I. *Objects and Reasons.*—"The object of the Weights and Measures Regulation is to enforce the adoption of a uniform system of weights and measures. Sec. 5 empowers the Government to notify that in any local area an unauthorised and uncertified weight or measure cannot be used. Sec. 10 which provides a penalty for contravening the provisions of Sec. 5, requires that the person should knowingly use an unauthorised and uncertified weight or measure as authorised and certain. Unless fraud is established, there could be no conviction for contravening the provisions of Sec. 5. Hence, it is proposed to amend Sec. 10."— *S. O. & R.*

Vide Note under Sec. 10.

II. The Bill was published on 23-11-1915, and was introduced and referred to a Select Committee on 13-12-1915 (*T. G. G., dated 1-2-1916*). The Committee's Report was published on 21-3-1916. It was presented to, and considered by, the Council on 27-9-1916 (*T. G. G., dated 7-11-1916*). The Bill was finally read and passed on 26-2-1917 (*T. G. G., dated 3-4-1917*). The Regulation was published in the Gazette dated 3-4-1917.

Weights and measures forming integral multiples or integral sub-multiples of the units of weights and measures shall be authorised sets of weights and measures under the provisions of this Regulation.

Special weights and measures.

4. Our Government may, from time to time, by Notification in the Official Gazette, declare the magnitude and denominations of the weights and measures other than the said units to be authorised under this Regulation, though they might not form integral multiples or integral sub-multiples of the units aforesaid.

III.—Use of new Weights and Measures.

Contracts by weights and measures.

5. Our Government may, by Notification in the Official Gazette, direct that, after a date to be fixed therein, no weight, measure, weighing machine or balance, not authorised and certified under the provisions of this Regulation or the Notifications or Rules issued thereunder, shall be used in any dealing or contract that is had or made in any specified local area; and Our Government may, in like manner, alter or revoke such direction.

IV.—Wardens.

Appointment of Wardens.

6. Our Government shall appoint Wardens for the custody of the primary standards and sets of authorised weights and measures hereinbefore mentioned.

Power to make Rules.

7. Our Government may, from time to time, make Rules consistent with this Regulation for regulating the following matters:—

(a) the powers and duties of Wardens;

(b) the guidance of Wardens in all matters connected with the performance of their duties;

(c) the provisions, replacement, custody and use of the standards;

(d) the methods of verifying standards and weights, weighing machines and balances and measures of length and of capacity authorised under this Regulation, and of certifying such verification;

(e) the errors which may be tolerated in weights, weighing machines and balances and measures of length and capacity authorised under this Regulation;

(*f*) the shapes, proportions and dimensions to be given to weights, weighing machines and balances and measures of length and capacity authorised under this Regulation, and the materials of which they may be made;

(*g*) marking weights and measures authorised under this Regulation with their several denominations;

(*h*) the fees to be paid for verifying, correcting and certifying the verification of weights, weighing machines and balances and measures of length and capacity authorised under this Regulation.

Such Rules shall be published in the Official Gazette and shall thereafter have the force of law.

Warden may refuse to verify, or correct things unfit.

8. The Warden may deface or render incapable of use, or refuse to verify, correct, or mark anything brought to him for verification or correction.

Exercise of any of Warden's powers.

9. Any of the powers and duties conferred and imposed by this Regulation on a Warden may be exercised and performed by any other Officer whom Our Government may, from time to time, appoint in this behalf.

V.—Penalties.

Using unauthorised weights and measures.

10. Whoever, in contravention of any Notification issued under Section 5, knowingly uses, [in any market, bazaar, shop or other place where any goods, food, drink or other articles are exposed for sale] any weight, measure, weighing machine or balance, not duly authorised and certified under the provisions of this Regulation or the Notifications or Rules issued thereunder, shall be punished with imprisonment for a term which may extend to three months, or fine which may extend to Rs. 100, or both.

Sec. 10: (1) The bracketed words were inserted by Regn. IV of 1092. In Regn. VI of 1085, the words "as authorised and certified" occurred after the words "knowingly uses." Those words were also deleted by the amending Regulation.

(2) The amendment to Sec. 10 of Regn. VI of 1085, as per the original Bill, was simply:—"Omit 'knowingly' between 'Section 5' and 'uses', and also the words 'as authorised and certified' between 'uses' and 'any'. When the Bill was introduced, there was opposition on the ground that "it would be dangerous on principle to constitute an act an offence when it had been done without wrongful intent or knowledge. Since *mens rea* had to be established in the case of all criminal acts, it would be neither

TRIVANDRUM PUBLIC LIBRARY

Counterfeiting Warden's marks.

11. Whoever knowingly counterfeits any mark used by a Warden under Section 7 shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

---

expedient nor consonant with justice to dispense with that requirement in the case of offences against the law relating to weights and measures." It was suggested that the word 'knowingly' should be retained. The member in charge replied that "in order to secure uniformity in the use of weights and measures throughout the State, some punishment, however slight, had to be provided for their unauthorised use, apart from the question of intention." On the suggestion of the President, the provision of the amending Bill was left to be considered later, while affirming the principle of the Bill, *viz.*, to amend the existing Regulation in such a way as to enable the Government to enforce the use of a uniform system of weights and measures.

L. C. P., dated 13-12-1915.

(3) The Select Committee proposed the amendments noted in (1) *Supra.*

Case Law.

Unless a case falls within Sec. 10 of the Regulation, no punishment can be awarded for a breach of the Rule contained in Sec. 5 or in Rule 7 of the Rules passed under it. What is rendered punishable by Sec. 10 is the user "knowingly, as authorised and certified, any weight, measure, weighing machine or balance not duly authorised and certified under the provisions of the Regulation." There must first be a user, next there must be a user with knowledge and lastly, the user must be *as authorised and certified*, of any weight, measure, &c., not duly authorised and certified. Unless these three facts are proved to exist, no punishable offence has been committed. As the law stood, the penalty provided by Sec. 10 did not appear to operate over the whole ground covered by the absolute prohibition contained in Sec. 5 which was repeated in Rule 7. The object of the Legislature, as might be inferred from the wording of Sec. 10, was apparently to prevent the perpetration of fraud on innocent buyers by the vendors passing off unauthorised measures and weights, as authorised ones and thereby deceiving them by making them believe that they were getting a particular quantity or weight of articles for the price or value paid by them, whereas, as a matter of fact, it was not so.

In the case, the accused was charged with an offence punishable under Sec. 10; but the evidence against him only showed that the weights and measures he was using were British Indian weights and measures. The accused did not state that the weights and measures used by him were those authorised and certified by the Sirkar, nor did he attempt to pass them off as such, *Held.*—The accused's act was no offence and he was rightly acquitted by the Magistrate.—

31 T. L. R., 223 (5 T. L. J., 475).

RULES.

(*No. J. 3734 dated 10th June 1912/28th Edavom 1087.*)

Rules under Sections 4, 5, 6, 7 and 8 of the Weights and Measures Regulation, VI of 1085, [a]

I.—STANDARDS.

1. The primary standards of weights and of measures of length and of capacity, prescribed in Section 2 of the Regulation, are given below.

(1) The primary standard of weight is the "Tola", equivalent to 180 grains Troy or one British Indian rupee.

(2) The primary standard for measures of length is the "Yard", equal in length to the standard yard of British India.

(3) The primary standard for measures of capacity is the "Edangali", equal to 80 cubic inches of water.

2. The originals of the above-said primary standards of weights and measures shall be in the custody of the Chief Engineer at Trivandrum.

3. The aforesaid originals of the primary standards of weights and measures shall bear, besides the impression of His Highness the Maha Raja's Coat of Arms, the inscription:—

(1) 1 Tola..................Standard weight..........................Travancore State:

(2) 1 Yard..................Standard measure of length..........Travancore State:

(3) 1 Edangali...........Standard measure of capacity.........Travancore State.

4. The units of weights and of measures of length and of capacity are, as prescribed in Section 3 of the Regulation, for weights, the said Tola ; for measures of length, the said Yard ; and for measures of capacity, the said Edangali.

5. All weights and measures forming integral multiples or integral submultiples of the above units of weights and measures are authorised sets of weights and measures, as laid down in Section 3 of the Regulation.

6. The weights and measures described in Schedule II hereto appended, or that may hereafter be so declared, shall, under Section 4 of the Regulation, be authorized sets of weights and measures, though they do not form integral multiples or integral sub-multiples of the units of weights and measures aforesaid.

(a) *T. G. G., dated 25-6-1912, Pt. I, Pp. 1891-1896.*

7. No weights, measures, weighing machines or balances, not authorized or certified under the provisions of this Notification, shall, after [the 12th February 1914/1st Kumbhom 1089,] (a) be used in any dealing or contract that is had or made and has its operation within the Travancore State. Any person acting in contravention of this Notification, shall be liable to punishment, as provided in Section 10 of the Regulation.

II.—WARDENS.

8. All Taluk Tahsildars, [Taluk Head Accountants] (b) [and the President, Municipal Council, Trivandrum] (c) shall be supplied by the Chief Engineer with certified copies of the primary standards and also with sets of authorized weights and measures and balances, for purposes of testing and stamping under the provisions of this Notification, and the said Officers shall be *ex-officio* Wardens for the custody of the said certified copies and the said sets of weights and measures and balances. In regard to liquid measures, the copies and sets to be supplied by the Chief Engineer should be of the description of the "special vessels" referred to in Clause (5) of Rule 21 *infra*.

9. Besides the standards and sets of weights and measures and balances supplied under the preceding Rule, the Wardens shall also be supplied by the Chief Engineer with dies for stamping weights and measures in the manner hereinafter described.

10. All Officers of the Government who have to use weights and measures in the discharge of their duties, all managers of Companies, and all persons engaged in business or trade, shall submit, for verification, to the Warden within whose local limits the head-quarters of the Officer concerned is situate, or the business or trade is conducted, the weights, weighing machines, and balances and measures used by them in their dealings, at least once in two years, and pay, for such verification, the fees prescribed hereunder.

11. The Warden shall, on payment of the regulated fees, verify, and shall, if requested so to do, correct all weights, weighing machines and measures, purporting to be weights and measures authorized under this Notification, and all balances which are brought to him for verification or correction and which appear to him fit for verification or correction. When such weights, weighing machines,

(a) Substituted by Notifn. No. J. 9685 dated 24th November 1913.—*T. G. G., dated 25-11-1913, Pt. I, P. 1935.*

(b) Substituted by Notifn. No. J. 763 dated 14th March 1924.—*T. G. G., dated 18-3-1924, Pt. I, P. 310.*

(c) Added by Notifn. No. J. 1391 dated 8th June 1926.—*T. G. G., dated 15-6-1926, Pt. I, P. 394.*

measures and balances are found or made correct, and are in conformity with the requirements of this Notification, he shall certify to the correctness and conformity, by stamping, engraving or branding them with the proper mark in the manner hereinafter described.

12. The Warden may, as mentioned in Section 8 of the Regulation, deface, or render incapable of use, or refuse to verify, correct or mark anything so brought, which appears to him unfit for verification or correction.

13. The work of testing and stamping weights and measures shall be done under the supervision of the Wardens by such establishments as may be appointed for the purpose.

14. There shall be appointed, for duty under each Warden, such establishment as the Government may, from time to time, decide, and the charges on account of such establishment shall be met from the fees collected under the provisions of this Notification.

III.—INSTRUCTIONS FOR TESTING AND STAMPING WEIGHTS AND MEASURES.

15. The object of stamping weights and measures being to induce the recognition of the established standards, no weights and measures not being multiples or fractions of the authorized standards as described in Rule 5, or not being authorized sets of weights and measures as described in Rule 6 shall be passed by the Warden.

16. Only metal weights and measures shall ordinarily be stamped; but where wooden measures are largely in use, they may also be stamped. Every endeavour should, however, be made to induce merchants and others to adopt metal measures in lieu of wooden ones.

A.—Testing of Weights.

17. The balances supplied to the Wardens being true and sensible, no necessity arises for trying them as to their accuracy before they are used for the verification of weights brought to the Wardens for being stamped. When, however, weights have to be verified by standard weights and only common scales or balances are available, the first thing to be done is to try the balance as to its degree of sensibility (apart from the question of its equilibrium) in the manner herinafter indicated.

18. Balances brought for verification should be tested as to their accuracy in the manner hereinafter set forth.

The requisites of a good balance are—

(1) It should be true, *i. e.*, when loaded with equal weights, the beam should be horizontal. This requisite is obtained by making the scale-pans of equal weights and the two arms exactly similar in every respect. The truth of a balance may be easily tested by interchanging the weights which keep the beam in equilibrium, when horizontal; if the beam settles again into a horizontal position, the weights are equal and the balance true, but not otherwise.

(2) A balance should be sensible, *i. e.*, when the weights differ by a small quantity, the deviation of the beam from the horizontal should be easily perceptible. If a beam does not turn with 1/500 part of the weight that may be in one scale, it cannot be used for very accurate purposes.

(3) A good balance should be stable, *i. e.*, it should readily return to its position of equilibrium when moved from it, *i. e.*, its time of oscillation about its position of equilibrium should be small. If the sensibility of a balance be very great, the addition of a small weight to either scale will cause the beam to oscillate and some time will elapse before it attains its position of equilibrium; on this account, the beam is sometimes furnished with a pointer and a graduated arc of a circle. If the pointer oscillates through equal arcs on opposite sides of the point which corresponds to horizontality, the scales may be considered to be equally loaded, without waiting to ascertain whether the beam will ultimately rest in a horizontal position.

Balances used for weighing medicines, gold, diamonds and other precious stones should undergo rigid test as to their sensibility.

19. Besides the common balance, weighing machines called Steel-yards or Vellikoles, in which one and the same weight is made use of in all cases, are also used.

The most commonly used form of Vellikole corresponds to what is called the Danish Steel-yard, in which the weight is fixed to one end of the beam and the fulcrum is moveable, the thing to be weighed being suspended at the other end of the beam. The beam of the Steel-yard is graduated to denote the point where the fulcrum should be when there is a weight in the scale-pan equal to the weight marked at the point.

Steel-yards brought for verification should be tested as to the accuracy of the graduations.

20. Weights received for verification should be examined thus :—

Suppose a weight purporting to correspond to the standard Tola is brought for verification. Place the standard weight in the right-hand scale and

exactly counterbalance it; then take it out and put in its place the weight to be verified. If the beam shows an equipoise, the weight is correct. It is of no consequence whether the arms of the beam be equal or not or, in other words, whether the scales are or are not correct.

B.—Testing of Measures of Capacity, i. e, Dry and Liquid Measures.

21. (1) (*a*) The first thing to be done in the case of dry measures is to measure the diameter carefully. If the diameter of the measure is exactly the same as that of any of the authorized measures under Rules 5 and 6, the measure may be accepted for testing. If not, the measure should be rejected, as differences in shape are liable to cause variations in the contents of things which do not fill all space.

NOTE.—If a measure is not quite round, the mean between the longest and shortest diameters should be taken as the diameter of the measure.

[(*b*) All dry measures shall be used struck and not heaped. The standard dimensions of the authorized dry measures shall be as follow :—

Measure.	*Diameter in inches.*	*Height in inches.*
Para ...	$8\frac{5}{8}$ ...	13 11/16.
Edangali ...	4 ...	$6\frac{3}{8}$
Irunali ...	$3\frac{1}{8}$ ...	5 7/32
Nali ...	$2\frac{1}{2}$ ...	4 1/16
Uri ...	2 ...	3 3/16
Ozhaku ...	$1\frac{5}{8}$ ...	2 7/16
The Nanjanad marakal ...	$6\frac{5}{8}$ ...	10 11/32
" padi ...	$3\frac{1}{4}$ ...	$5\frac{3}{8}$
" ozhaku ...	$2\frac{1}{8}$ ...	3 5/32
" azhaku ...	$1\frac{7}{8}$ ...	2 11/16

NOTE.—The heights given above for the various measures shall not be used for purposes of testing, but are intended only as a guide to the manufacturers of those measures.] (*a*)

(2) In the case of liquid measures, it is not necessary to employ the above test, as liquids fill all space, and differences in the shape of measures do not affect the contents.

(3) The capacity of measures should be tested by volume of water, for the proper performance of which, the stamping Officer will be supplied with a

(*a*) Inserted by Notifn. No. J. 6316 dated 7th September 1912.—*T. G. G., dated 24-9-1912, Pt. I, P. 1873.*

specially constructed certified copy of the primary standard and a specially constructed set of authorized measures, as provided in Rule 8 *supra*.

(4) The following instructions should be attended to preliminary to the commencement of the process of testing :—

The best drinking water available should be obtained, as it is the clearest. The measure to be tested should be well washed out, and, if it is of wood, water should be allowed to stand in it for a quarter of an hour before testing so as to guard against absorption during the testing whereby the result would be falsified. If the measure is found to be leaky, the leaks should be caulked, on the outside only, with pitch or sealing wax.

(5) The test should then be applied in the following manner :—

The rim of the measure should first be moistened; otherwise, water may stand without spilling, quite a sixteenth of an inch above it; and, in a measure of 5 inches diameter, this will represent 1·39 tolas of rice. The measure should then be filled with water by pouring into it from the special vessels according to the size of the measure under examination. Care should be taken to pour the water without overtopping the rim of the measure or spilling. The surface of the water should be exactly level with the rim. The quantity of water used to fill the measure can be easily ascertained from the number of times water was poured into the measure from the special vessels and from the quantity remaining in them. The quantity of water, if any, found to have been spilt or to have escaped by leakage should be deducted from the total quantity poured out from the special vessels. The remainder represents the capacity of the measure in cubic inches of water. If this is equal to the established capacity of the standard measure to which it purports to correspond, the measure may be taken to be correct and stamped accordingly; otherwise, it should be rejected.

As it is almost impossible to pour out liquid from measures filled to the brim, without spilling, the measures used for the purpose of testing should be special vessels made with a narrow neck and broad lip for pouring, and standardized to cubic inches.

O.—Stamping of Weights and Measures.

22. Subject to the provisions of Rules 5 and 6 *supra*, only those measures of length which agree with the standard yard measure should be stamped.

23. The process of stamping weights and measures of capacity should be conducted in accordance with the following directions :—

(1) Large weights should be stamped on the top close to the handle on either side and smaller weights on any part (the handle excepted) having sufficient even surface to receive the impression equally. Flat weights should be marked either on the top or underneath.

(2) Wooden measures should be stamped by means of a steel die at the very top, so as to guard against subsequent tampering.

(3) If there is a joining at the side of a measure, an impression should be made across it.

(4) To effect the stamping of metal measures, which should be stamped below the rim, it is necessary to introduce the beak of an anvil or beak iron into the vessel (held horizontally for the purpose); the part to be marked should be held closely and firmly down on the beak by one person, whilst another applies the die on the upper surface, and a third party strikes steadily with a sledge or heavy hand-hammer, until the required impression has been produced.

(5) Measures may also be marked on the bottom by being inverted on an iron stake with flat top somewhat larger than the die.

(6) In applying a large die on brass or iron, the sledge hammer must be used; for a small die, the heavy hand-hammer will be sufficient.

(7) In the case of weights or measures of irregular shape in use by bazaar-men, no uniform system can be prescribed; but care should be taken to mark them on a part on which the die can be applied equally

(8) The Wardens may engage the services of a smith, a hammer-man and a bellows-boy for performing the operation of stamping neatly.

IV.—FEES.

24. The scale of fees prescribed for stamping weights and measures is given in Schedule I; but the Government may alter the rates from time to time. The scale will be so regulated that the fees realized are sufficient to meet the cost of the establishment necessary for stamping purposes. The establishment and other charges of each year should be so fixed as not to exceed the receipts of that year; but, should there be any likelihood of a deficit at the end of a year, application for a special allotment should be made to the Government. [The surplus receipts, if any, should be credited to the General Revenues.] (a) Every Warden shall maintain a register of the weights and measures stamped and the fees collected.

NOTE:—In conducting the actual operation of testing, the stamping establishments should carry out, free of extra charge, any slight adjustment that may be found necessary to make the weights and measures perfectly accurate, care however being taken not to attempt at corrections within the province of skilled workmen.

(a) Added by Notifn. No. J. 6632 dated 30th August 1915.—*T. C. G., dated 7-9-1915, Pt. I, P. 1523.*

V—INSPECTION.

25. The Division Peishkars and the [Commissioner], [a] Devikulam Division, should inspect each party of the stamping establishments in their respective Division, as often as possible, and ascertain whether the men understand their work and whether any unauthorized fees are collected. They should also note their remarks in an Inspection-book.

26. A report on the stamping operations should be submitted to the Government by the Division Peishkars and the [Commissioner], [a] Devikulam Division, along with their annual Departmental reports.

SCHEDULE I.

Statement showing the scale of fees for stamping weights and measures, prescribed in Rule 24.

		Rate of fees.		
		Rs.	chs.	c.
1.	For stamping any one weight, weighing machine, balance, steel-yard or measure of capacity	0	4	0
2.	For the periodical verification of do.	0	2	0
3.	For stamping a measure of length	0	2	0
4.	For the periodical verification of a measure of length ...	0	1	0

SCHEDULE II.

Weights and Measures which are declared authorized under Rule 6.

Table I.

English lineal measure.

12 inches	...	...	1 foot.
3 feet	...	...	1 yard (standard measure of length in Travancore).
22 yards	...	...	1 Gunter's chain=100 links.
220 yards	...	...	1 furlong.
8 furlongs	...	...	1 mile.

Table II.

Measure of length in Travancore.

$1\frac{1}{4}$ inches	...	...	1 angulam.

(a) Substituted for 'Superintendent' by Notifn. No. J. 763 dated 14th March 1924.—*T. G. G., dated 18-3-1924, Pt. I, P. 310.*

24 angulams	... ...	1 kole.
4 koles	... ...	1 dendoo = $3\frac{1}{3}$ yards.

Table III.

English square measure.

144 square inches ...	...	1 square foot.
9 square feet ...	...	1 square yard.
48 2/5 square yards	...	1 cent.
10 cents ...	...	1 square chain.
10 square chains or 100 cents		1 acre.
640 acres ...	...	1 square mile.

Table IV.

Measure of area in Travancore.

16 square koles ...	...	1 square dendoo.
435 3/5 square dendoos	...	1 acre.

Table V.

English cubic measure.

1,728 cubic inches	...	1 cubic foot.
27 cubic feet ...	...	1 cubic yard.

Table VI.

Measure of solidity in Travancore.

24 cubic virals ...	...	1 perukkam.
24 perukkams ...	..	1 thoovada.
24 thoovadas or one cubic kole		1 candy = $15\frac{5}{8}$ cubic feet.

Table VII.

English Troy weight (used in weighing gold, silver, diamonds and other costly articles)

4 grains	... ...	1 carat.
6 carats	... ...	1 dwt. (penny weight).
20 dwts.	... ...	1 oz. (ounce).
12 ozs.	... ...	1 lb. (pound)=32 tolas.

Table VIII.

English Avordupois weight (used in weighing bulky articles of commerce).

16 drams	1 ounce.

16 ounces	...	...	1 lb=38 8/9 tolas.
28 lbs.	...	...	1 quarter.
4 quarters	...	...	1 cwt. (hundred-weight).
20 cwts.	...	...	1 ton.

Table IX.

Weights used for weighing opium, ganja, salt, &c.

80 tolas	...	...	1 seer.
40 seers	...	...	1 maund.

Table X.

Weights used in Travancore for weighing gold and silver.

[5 55/61 grains Troy	...	1 panamida.
13⅓ panamidas ...	...	1 kazhanchu.
21 panamidas ...	...	1 sovereign weight.
30½ panamidas ...	...	1 tola (standard weight in Travancore)] (a)

Table XI.

[Weights used in Travancore for weighing copper, iron, pepper, sugar, &c.

5 3/5 tolas	...	...	1 palam.
7½ palams	...	...	1 rathel.
100 palams or 13⅓ rathels ...			1 thulam.] (b)

Table XII.

Dry measure used in Nanjanad.

2 azhakus	...	...	1 ozhaku.
4 ozhakus	...	...	1 padi.
8 padies	...	...	[1 marakal = 4·1190 edangalis.] (c)

[Table XII—A.

Dry measure used in the Devicolam Taluk.

Padi	...	...	1¼ edangalis.] (d)

(a) Substituted by Notifn. No. J. 1366 dated 15th February 1914.—*T. G. G., dated 24-2-1914, Pt. I, P. 849.*

(b) Substituted by Notifn. No. J. 6316 dated 7th September, 1912.—*T. G. G., dated 24-9-1912, Pt. I. P. 1373.*

In this Notification, there was the word 'tobacco' after the word 'sugar' in the heading. It was omitted by Notifn. No. 525/Devt., dated 23rd February 1926.—*T. G. G., dated 23-2-1926, Supplement.*

(c) Amended by G. O. No. L. R. 5631/1705 of 1908, dated the 1st July 1920.—*T. G. G., dated 6-7-1920, Pt. I, Pp. 682—683.*

(d) Added by Notifn. No. J. 9295 dated 19th November 1917.—*T. G. G., dated 20-11-1917, Pt. I, P. 1238.*

Table XIII.

Dry measure used in other places.

2 ozhakus	...	...	1 uri.
2 uris	...	...	1 nali.
4 nalis	...	...	1 edangali (standard measure of capacity in Travancore).
10 edangalis	...	...	1 para.

Table XIV.

Liquid measure.

4 thavis or thudams	...	1 nali.
4 nalis ...	...	1 edangali (standard measure of capacity in Travancore).
10 edangalis ...	...	1 para.

Table XV.

Measure of country liquor.

6 drams ...	...	1 Imperial pint.
2 Imperial pints	...	1 Imperial quart.
4 Imperial quarts	...	1 Imperial gallon (3·465 edangalis).

REGULATION VII OF 1085.

A Regulation to amend the Code of Criminal Procedure, Regulation V of 1067, as amended by Regulations II and III of 1074 and Regulation IV of 1082

Passed by His Highness the Maha Raja of Travancore, on the 10th April 1910 corresponding with the 28th Meenam 1085, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Criminal Procedure Code, Regulation V of 1067; We are hereby pleased to enact as follows :—

1. Section 170.

Add, as Clause (e), the following :—

"Upon a report received from an Excise or Abkari Officer regarding offences against the Excise or Abkari laws or from a Forest Officer regarding offences against the Forest laws."

Insert the words "or any Magistrate of the Second Class who is empowered by Our Government in this behalf", after "First Class", in para 2.

2. Section 308, para 2.

Insert the words "may be presented to such subordinate Magistrate, or, if already presented to the District Magistrate," between the words "class of appeals" and "may be transferred," in line 5.

3. Section 372.

Substitute the words "Head Constable" for the words "Police Inspector," in line 3 of the Section.

Insert the following as the last para of the Section :—

"An Officer of the Police shall not be permitted to conduct the prosecution, if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted

REGULATION IX OF 1085.

A Regulation to amend the Travancore Forest Regulation, II of 1068, as amended by Regulation IV of 1071

Passed by His Highness the Maha Raja of Travancore, on the 10th April 1910 corresponding with the 28th Meenom 1085, under Section 13 of Regulation V of 1073.

1. *Section* 2 (*b*). Omit "Superintendent or Assistant Superintendent of the Cardamom Hills.".

Insert the words "Divisional Forest Officer" after "Assistant Conservator."

Insert "Deputy Ranger" between "Ranger" and "Forester."

Substitute "a Timber Depot Officer" for "Superintendent of a Timber Depot."

Omit "Aminadar" and "Vijarippoo" and substitute "Forest Guard, watcher, Watch Pillai."

Add a sub-para as follows :—

"'Divisional Forest Officer' means the Chief Forest Officer of a Division or a portion or portions of one or more Divisions, if in independent charge of such portion or portions, when they are constituted into a Forest Division."

2. *Section* 2 (*c*). Insert between "teeth" and "and," the word "claws," in the last line.

3 *Section* 2 (*f*). Insert the words "or any rule or rules passed thereunder," after the word "Regulation."

4. *Section* 2 (*g*). Insert the words "cows, bulls, calves, heifers," after the word "buffaloes."

5. *Section* 2 (*i*). Insert the words "all temporarily occupied land and all land occupied without permission," between the words "land" and "whether," in line 2. Instead of the word "holders," insert the word "holdings," in lines 4 and 6.

6. *Section* 2 (*k*). Substitute the word "Travancore" for "Indian."

7. *Section* 6, *Clause* (*a*). Omit the word "and" at the end of the clause, and the whole of clause (*b*).

Add the following as Clauses :—

"(*b*) setting forth the substance of Section 7,

(*c*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest, and

(*d*) fixing a period not less than three and not exceeding six months from the date of publishing such Proclamation in Our Government Gazette, and requiring every person claiming any right referred to in Section 4, either to present to such officer, within such period, a written notice specifying or to appear before him within such period and state, the nature of such right, and in either case, to produce all documents and other evidence in support thereof.

The Forest Settlement Officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a Reserved Forest, or on his recognised agent or manager. Such notice may be sent by registered Post or Anchal.

8. *Section* 7. After para 3, insert the following Clause:—

"No patta shall, without the previous sanction of Our Dewan, be granted on behalf of Our Government for such land or any portion of it, and every patta granted without such sanction shall be null and void."

9. *Section* 8. Substitute (*d*) for (*b*) in line 1. Omit para 2.

10. *Section* 11. Insert the word "and" before "if" and substitute "such" for "the," in line 10 of the Section.

At the end of the Section, add the following :—

"Where the right is a right to forest produce, he shall also record whether the forest produce obtained by the exercise of such right may be sold or bartered.

11. Add the following Section:—

Section 18–A. "Rights in respect of which no claim has been preferred under Section 6, shall thereupon be extinguished, unless, before the publication of such Notification, the person claiming them has satisfied the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under Section 6, in which case, the Forest Settlement Officer shall proceed to dispose of the claim in the manner hereinbefore provided."

Extinction of rights not claimed.

12. Add another Section—18–B, as follows:—

"Notwithstanding anything herein contained, no right continued under Section 17 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of Our Dewan: Provided that, when any such right is continued for the beneficial enjoyment of any land or buildings, it may be sold or otherwise alienated with such land or buildings, without such sanction.

Rights continued under Section 17 not to be alienated without sanction.

Any alienation of right in contravention of this Section shall be null and void.

No forest produce obtained in exercise of any right continued under Section 17 shall be sold or bartered, except to the extent defined by the order recorded under Section 17.

Any person selling or bartering any forest produce in contravention of this Section shall be punished with fine which may extent to Rs. 200."

13. Add a third Section—18–C, as follows:—

"The Conservator may, from time to time, with the previous sanction of Our Government, stop any public or private way or water-course in a Reserved Forest, provided that a reasonably convenient substitute for the way or water-course so stopped already exists or has been provided or constructed in lieu thereof."

Power to stop ways and water-courses in Reserved Forest.

14. *Section* 19. In line 3, insert the words "Our Dewan" after "by", and omit the word "or".

At the end of the Section, substitute ":" (colon) *for* "." (fullstop) and add the following proviso as a sub-para:—

"Provided that no patta shall, without Our Dewan's previous sanction, be granted on behalf of Government for any land included in a Reserved Forest, and every patta granted without such sanction shall be null and void."

15. *Section* 21. Add as Clause (*b*) (1), after the words "who in a Reserved Forest", the following :—

"Kindles, keeps or carries any fire, except at such seasons and in such manner as the Conservator may, from time to time, notify ;"

In Clause (*c*), omit the word "wilfully".

In Clause (*d*), add the word "taps" after "marks" and before "lops".

In the last para of this Section, insert "(*a*)" after the word "prohibit". Substitute ";" (semicolon) for "." (fullstop) in the last line.

Insert the word "or" at the end of the para, and add the following clause :—

"(*b*) the exercise of any right continued under Section 17 or created by grant or contract in the manner described in Section 19."

Insert the following proviso below the above Clause :—

"Provided that this Section shall not be held to interfere with such working of the forest as may be ordered by the Conservator".

16. Add the following new Section :—

Section 21-A. Persons bound to assist Forest Officer and Police-Officer. "Every person who exercises any right in a Reserved Forest or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every Village Officer or person in any village contiguous to such forest, who is employed by Government, shall be bound to furnish, without unnecessary delay, to the nearest Forest Officer or Police Station House Officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of or intention to commit any forest offence, and shall assist any Forest Officer or Police-Officer demanding his aid—

(*a*) in extinguishing any fire occurring in such forest,

(*b*) in preventing any fire which may occur in the vicinity of such forest, from spreading to such forest,

(*c*) in preventing the commission in such forest of any forest offence, and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender."

17. *Section* 22. Omit "and" at the end of Clause (*e*), and substitute ";" (semicolon) for "." (fullstop) at the end of Clause (*f*). Add the following Clauses :—

"(*g*) regulate the sale or free grant of timber or other natural produce, and

(*h*) prescribe the fees, royalties or other payments for timber or other natural produce, and the manner in which such fees, royalties or other payments shall be levied,"

At the end of para 2 (penalty clause), add the following :—

"If any agricultural or other crop is grown in contravention of the rules framed under Clause (*a*) of this Section and any person is convicted for that offence such crop shall be liable to confiscation by order of the convicting Magistrate,"

18. *Section* 26. Between the words "determined" and "by any officer" in line 14, insert "so far as may be in accordance with the provisions of the Land Acquisition Regulation for the time being in force."

19. *Section* 31. Omit "koleteak," in line 1.

Omit "and cardamoms," in line 2,

In para 2, line 4 omit "koleteak."

20. *Section* 33, Clause 1. Add at the end, "or any other tree standing on land temporarily or permanently assigned, the right of Government over which has been expressly reserved in the deed of grant or assignment of such land."

21. In Section 33, Clauses 2, 3, 6, and 8, omit the words "which are royalties".

22. In Section 33, omit "and" at the end of Clause (11) and insert the following clauses :—

"(12) to regulate the use of property-mark for timber and the registration of such marks, declare the circumstances in which the registration of any property-marks may be refused or cancelled, prescribe the time for which such registration will hold good, limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration,

(13) to prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce and the throwing of grass, brushwood, branches and leaves into any such river or any act which may cause such river to be closed or obstructed, provide for the prevention and removal of any obstruction of the channel or the banks of any such river and for recovering the cost of such prevention or removal from the person or by the sale of any timber causing such obstruction, and provide for the protection of bridges, locks or other public works, by regulating the floating of timber and the storing of timber on river banks and by authorising the seizure of timber floated or stored in contravention of such rules or by which any damage to such work may have been caused, and the detention and disposal of such timber until compensation has been made for the damage done, and".

Number the present Clause (12) as (14).

23. *Section* 34(*a*). Insert between, "fells" and "any," the following words:—

"girdles, lops, marks, mutilates or otherwise damages."

24. *Section* 36, *para* 2. Omit the following words:—

"or to the Officer in charge of the nearest Police-station, who shall immediately forward a report to the Magistrate."

25. *Section* 44. Between the words "forests" and "from" in line 3 of Section 44, insert the following:—

"or of an Assistant Conservator holding charge of a Forest Division."

26. *Section* 45. Substitute "Travancore" for "Indian."

27. *Section* 51. Omit the words "not exceeding fifty rupees,"

28. *Section* 55. In Section 55, substitute the word "Travancore" for the word "Indian,"

29. *Section* 58. Between the words "timber" and "found" in line I, insert the words "other than royalties," and between the words "timber" and "shall" in line 7, omit the words "other than royalties."

30. *Section* 59. Add after Clause (*d*), the following:—

"Any evidence recorded under Clause (*c*) of this Section shall be admissible in any subsequent trial before a Magistrate of the alleged offender, provided that it has been taken in the presence of the accused person and recorded in the manner provided for in the Travancore Criminal Procedure Code.

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 3rd Mithunam 1085 corresponding with the 17th June 1910.

Whereas, under Section 27 of the Proclamation issued by Us, under date the 24th February 1886, corresponding to the 14th Kumbhom 1061, the holders of all *Kuthakapattom* gardens in the Palliport Farm in the Parur Taluk are ordinarily liable to pay, on their gardens, *Kuthakapattom* rates of assessment which are higher than the *Pandarapattom* rates; and Whereas such holders are, under the aforesaid Section of the Proclamation, allowed the option of purchasing exemption from the higher rates of assessment and having the gardens placed on the same footing as *Pandarapattom* lands by paying down once for all a *Vilayarthom* amounting

to twenty times the difference between the *Kuthakapattom* and the *Pandarapattam* assessments; and Whereas it has been represented to Us that most of the holders have not been able to exercise the option owing to their inability to pay the *Vilayarthom*, as fixed by the Settlement Department, in accordance with the aforesaid Section of the Proclamation, and that the permanent enforcement of the *Kuthakapattom* rates would be a source of hardship and loss to the holders; We are hereby pleased to command, with a view to their relief and in their interests, that, in modification of the aforesaid Section of the Proclamation, the holders shall be permitted to have their *Kuthakapattom* gardens placed on the same footing as *Pandarapattom* lands, with effect from 1086 M. E., on their undertaking to pay a *Vilayarthom* amounting to *ten times* the *Pandarapattom* assessments on their gardens, as fixed by the Settlement Department, and that the said *Vilayarthom* shall be recovered from the holders, along with the kist, in *twenty* yearly instalments commencing from 1086 M. E., provided that, in case of default of payment of the yearly instalment due on any garden, it shall be competent to Our Government to re-impose the *Kuthakapattom* assessment on such garden, and provided also that the concession hereby granted shall not apply to those gardens which have been converted into *Pandarapattom* before the issue of this Proclamation or to the *Thaivaippu* or converted gardens governed by G. O. No. 1458/L. R., dated 11th February 1908.

---

(1) In regard to the issue of this Proclamation, the Administration Report for 1085 M. E. has the following:—"The question of the settlement of the old *Kuthakapattom* lands in the Palliport farm (in the Parur Taluk) was reconsidered during the year. According to Sec. 27 of the Settlement Proclamation, the ryots had the option of either converting the lands into *Pandarapattom* by payment of a *Vilayarthom* amounting to twenty times the difference between the *Kuthakapattom* and *Pandarapattom* assessments or of continuing payment of assessment at the *Kuthakapattom* rates. As the Darbar found that most of the ryots were unable to pay the *Vilayarthom* at the above scale and that the permanent enforcement of the *Kuthakapattom* assessments would be ruinous to the ryots, it was resolved by way of relief to the ryots, to permit them, in modification of the Settlement Proclamation, to convert their *Kuthakapattom* gardens into *Pandarapattom* lands, with effect from 1086 M. E., on payment of a *Vilayarthom* amounting to only ten times the *Pandarapattom* assessment and further to allow them to pay this *Vilayarthom* in twenty yearly instalments commencing from 1086".—*Page 14.*

(2) The Proclamation was published in the Gazette dated 21st June 1910, Pt. 1, Page 887.

(3) A letter from the Dewan to the Resident containing a brief history of the Kuthakapattom lands in the Farm is given in the Appendix, together with the G. O. of 1908 referred to in the Proclamation and another of 1912 modifying it.

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 17th Kanni 1086 corresponding with the 3rd October 1910.

Whereas the tax on all lands, granted for coffee or tea cultivation under the terms of the Memorandum dated the 8th day of March 1862, or under the Rules passed on the 24th day of April 1865, or under the Rules passed on the 7th day of July 1898, is now payable at (12) twelve annas per acre per annum, and Whereas the tax on all grass lands, granted for homestead and farmstead to the proprietors of Coffee or Tea Estates, under the Rules passed on the 31st day of July 1877, is now payable at (4) four annas per acre per annum, and Whereas the question of revising the assessment of all the lands granted under the aforesaid Memorandum and Rules has been considered in connection with the General Revenue Settlement of the State, now drawing to a close, We, in exercise of the power reserved in the Proviso to Para I of the aforesaid Memorandum and in Clause 1 of the title-deeds issued thereunder or under the aforesaid Rules, are pleased to command that from the 17th day of August 1910, corresponding to the 1st day of Chingom 1086, the annual land tax payable on all lands granted under the aforesaid Memorandum dated the 8th day of March 1862 or the Rules dated the 24th day of April 1865 or the 7th day of July 1898, be raised from (12) twelve annas to British Rupee (1) one per acre, and the annual land tax on all grass lands granted for homestead and farmstead under the aforesaid Rules dated the 31st day of July 1877, be raised from (4) four annas to (5) five annas per acre and that these taxes of British Rupee (1) one per acre and annas (5) five per acre per annum respectively shall remain unaltered till the next General Revenue Settlement of the State is taken up.

---

(1) The enhancement of tax on lands held under the Coffee Land Rules from twelve annas to one Rupee introduced by this Proclamation was done in pursuance of the condition in the title-deeds issued for those lands, that the assessment originally fixed would be subject to enhancement 'in concurrence with and in proportion to the general revision of the assessment of the lands of the Travancore State.'—*L. R. M., Vol. 1, P. 669.*

(2) The Proclamation was published in the Gazette dated 11th October 1910, Pt. 1 Page 1497.

(3) The Memorandum and the Rules referred to in the Proclamation will be found in the Appendix.

REGULATION III OF 1086.

THE BRITISH COINAGE REGULATION.

CONTENTS.

Preliminary.

Preamble.

Sections.

Short title.

1. Local extent.
2. Definitions.
   (a) "Deface"
   (b) "Prescribed"
   (c) "Standard weight"

Legal Tender.

3. Silver coin when a legal tender.

3—A. Sovereigns and half-sovereigns, a legal tender.

4. Power to certain persons to cut diminished or defaced coin.
5. Procedure in regard to coin cut under Section 4 (a).
6. Procedure in regard to coin cut under Section 4 (b).
7. Procedure in regard to coin which is liable to be cut under both Clauses (a) and (b) of Section 4.
8. Power to certain persons to cut counterfeit silver coin and procedure in regard to coin so cut.

Supplemental Provisions.

9. Power to make Rules.
10. Bar of suits.

[A Regulation relating to the currency of British Coinage in Travancore] (a)

Passed by His Highness the Maha Raja of Travancore on the 16th December 1910 corresponding with the 1st Dhanu 1086, under Section 14 of Regulation V of 1073.

Preamble. [Whereas it is expedient to consolidate the law relating to the currency of British Coinage in Travancore ;] (b) It is hereby enacted as follows :—

(a) Substituted by Section 1 of Regulation I of 1091, for the words "A Regulation to provide for the cutting or breaking of diminished, defaced or counterfeit British Indian Silver Coins."

(b) Substituted by Section 1 of Regulation I of 1091, for the words—"Whereas it is expedient to provide for the cutting or breaking of diminished, defaced or counterfeit British Indian Silver Coins."

Preliminary.

Short title.

1. [(1) This Regulation shall be called "The British Coinage Regulation".] (a)

Local Extent.

(2) [It] (b) shall extend to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(a) "Deface," with its grammatical variations and cognate expressions, includes clipping, filing, stamping, or such other alteration of the surface or shape of a coin as is readily distinguishable from the effects of reasonable wear.

(b) "Prescribed" includes prescribed by a Rule made under this Regulation: and

(c) "Standard weight" means the weight prescribed for any silver coin under the British Indian Coinage Act, 1906, or in any Act in amendment thereof.

Legal Tender.

Silver coin when a legal tender.

3. (1) The British Indian Rupee shall be a legal tender in the State, in payment or on account:

Regn. III of 1086: (1) In August 1907, the Resident at the instance of the Madras Government requested the Darbar to adopt the Revised Rules promulgated in the Notification of the Government of India, Financial No. 1448-A, dated 8th March 1907, for the cutting or breaking of British Indian Silver coins with such modifications as may be necessary to suit local circumstances. The Darbar agreed to this proposal. In view to give effect to this arrangement, it was necessary for the Darbar to take power, under a legislative enactment, to legalise the cutting and breaking of British Indian Silver coins, and then introduce a set of Rules on the lines of the British Indian Rules.—
L. R. M., Vol. I, P. 671-673.

(2) The Regulation was accordingly passed under Section 14 of the Legislative Council Regulation, without the intervention of the Council. It was published in the Gazette dated 20th December 1910.

(3) The Regulation was amended by Regulation I of 1091 which was published in the Gazette dated 21st September 1915.

(a) Inserted by Section 2 of Regulation I of 1091.

(b) Substituted by Section 2 of Regulation I of 1091 for "This Regulation."

Provided that the coin—

(a) has not lost in weight so as to be more than two per cent. below its standard weight, and

(b) has not been defaced.

(2) The British Indian Half-Rupee, Quarter-Rupee and the eighth of a Rupee, shall be a legal tender in the State, in payment or on account, for any sum not exceeding one British Indian Rupee:

Provided that the coin—

(a) has not lost in weight so as to be more than such percentage below the standard weight as may be prescribed by the Government of India, as the limit of reasonable wear, and

(b) has not been defaced.

Sovereigns and Half-sovereigns, a legal tender.

[3-A. Sovereigns and Half-sovereigns, whether coined at His Majesty's Royal Mint in England or at any Mint established in pursuance of a Proclamation of His Majesty as a branch of His Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen British Rupees for one sovereign :

Provided that such coins have not been called in by any Proclamation made in pursuance of the English Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight.] (a)

Diminished, Defaced and Counterfeit Silver Coins.

Power to certain persons to cut diminished or defaced coin.

4. Where any British Indian Silver Coin, which is a legal tender as specified in Section 3, is tendered to any person, authorised by Our Government to act under this Section, and such person has reason to believe that the coin—

(a) has been diminished in weight so as to be more than such percentage below standard weight as has been prescribed by the Government of India, as the limit of reasonable wear, or

(b) has been defaced,

such person shall, by himself or another, cut or break the coin.

(a) Added by Sec. 3 of Regulation I of 1091.

5. A person cutting or breaking a coin under the provisions of Clause (*a*) of Section 4, shall observe the following procedure, namely :—

Procedure in regard to coin cut under Section 4 (*a*).

(*a*) if the coin has been diminished in weight so as to be more than such percentage below standard weight as has been prescribed by the Government of India, as the limit of reasonable wear, but not more than such further percentage as has been prescribed in this behalf by the Government of India, he shall either return the pieces to the person tendering the coin, or, if such person so requires, shall receive and pay for the coin at such rate as may be prescribed in this behalf; and

(*b*) if the coin has been diminished in weight so as to be more than such further percentage below standard weight so prescribed as aforesaid, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking.

6. A person cutting or breaking a coin, under the provisions of Clause (*b*) of Section 4, shall observe the following procedure, namely :—

Procedure in regard to coin cut under Section 4 (*b*).

(*a*) if such person has reason to believe that the coin has been fraudulently defaced, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking ; and

(*b*) if such person has not reason to believe that the coin has been fraudulently defaced, he shall receive and pay for the coin at its nominal value.

Explanation.—For the purposes of this Section, a coin which, there is reason to believe, has been defaced by sweating, shall be deemed to have been fraudulently defaced.

7. If a coin is liable to be cut or broken, under the provisions of both Clause (*a*) and Clause (*b*) of Section 4, the person cutting or breaking the coin shall deal with it,—

Procedure in regard to coin which is liable to be cut under both Clauses (*a*) and (*b*) of Section 4.

(*a*) if he has reason to believe that the coin has been fraudulently defaced, under Clause (*a*) of Section 6, and

(*b*) in other cases, under Section 5.

8. Where any British Indian silver coin, which is a legal tender as specified in Section 3, is tendered to any person authorised by Our Government to act under this Section, and such person has reason to believe that the coin is counterfeit, he shall, by himself or another, cut or break the coin, and may, at his discretion, either return the pieces to the tenderer, who shall bear the loss caused by such cutting or breaking, or receive and pay for the coin according to the value of the silver bullion contained in it.

Power to certain persons to cut counterfeit silver coin and procedure in regard to coin so cut.

Supplemental Provisions.

9. (1) Our Government may make Rules to carry out the purposes and objects of this Regulation.

Power to make Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such Rules may provide for the guidance of persons authorised to cut or break coin under Sections 4 and 8.

[(3) Such Rules may also provide for the acceptance at prescribed rates by Officers authorised in this behalf of the gold coins described in Section 3-A, where such coins have lost weight, so as to be of less weight than that for the time being prescribed for like coins by or under the English Coinage Act, 1870, as the least current weight.] (a)

[(4)] (a) Every such Rule shall be published in Our Government Gazette, and, on such publication, shall have effect as if enacted in this Regulation.

10. No suit or other proceeding shall lie against any person in respect of anything, in good faith done or intended to be done, under or in pursuance of the provisions of this Regulation.

Bar of suits.

(a) Inserted by Sec. 4 of Regulation I of 1091.

RULES.

(1)

Rules under Sections 4, 8 and 9 of Regulation III of 1086.

(Dated 12th September 1911) (a)

[As amended]

In exercise of the powers conferred by Sections 4 and 8 of Regulation III of 1086, the Government are pleased to authorise every Officer in charge of a Major treasury or a Sub-treasury, excepting those in charge of the Kandukrishi treasuries, to cut or break diminished, defaced or counterfeit British Indian silver coins; and in exercise of the powers conferred by Section 9 of the same Regulation, the Government are pleased to prescribe the following Rules, namely:—

1. The standard weight of the British Indian Rupee shall be taken to be one hundred and eighty grains Troy. The other silver coins should be taken to be of proportionate weight.

2. A loss of 6¼ per cent below the standard weight in the case of the Rupee, and of 12½ per cent in the case of the Half-Rupee, Quarter-Rupee, and eighth of a Rupee, shall be the limit of reasonable wear; and a loss of 25 per cent. below the standard weight shall be the further percentage referred to in Section 5 of the Regulation, in the case of all silver coins.

3. [Where a rupee or a half-rupee, which has been diminished in weight so as to be more than 2 per cent. but not more than 6¼ per cent. or 12½ per cent. respectively below the standard weight, and which has not been fraudulently defaced, is tendered to any person authorised to act under Section 4 of the Regulation, such person shall accept the coin at its nominal value, and the coin shall, thereupon, be cut and withdrawn from circulation.] (b)

4. Where a Rupee or a Half-Rupee which has been diminished in weight so as to be more than 6¼ per cent. or 12½ per cent. respectively, but not more than

---

(a) *T. G. G., dated 10-10-1911, Pt. I, P. 1408 a.*

The state Administration Report for 1087 M. E., observed:—"During the year, Rules under Sections 4, 8 and 9 of Regulation III of 1086 were also framed, authorising all the *Darbar* Treasuries to cut or break diminished, defaced or counterfeit *British Indian* silver coins. It was found that the cutting of the counterfeit British Indian rupee, half-rupee, quarter rupee, and two anna piece, was an urgent need; these coins passed into the *Darbar* Treasuries freely; action had therefore to be taken to cut the counterfeit British Indian silver coins also.—*Para 277.*

(b) Revised by Notifn. dated 7th May 1913.—*T. G. G., dated 20-5-1913, Pt. I, P. 838.*

25 per cent. below the standard weight, and which has not been fraudulently defaced, is tendered to any person authorised to act under Section 4 of the Regulation, such person shall, if the tenderer so requests, instead of returning the cut coin, accept it at the following rates, namely :—

(a) Rupees weighing between 15/16ths and 7/8ths of their proper weight, at the rate of 14 annas ;

(b) Rupees weighing between 7/8ths and 13/16ths of their proper weight, at the rate of 13 annas ;

(c) Rupees weighing between 13/16ths and 3/4ths of their proper weight, at the rate of 12 annas ; and

(d) Half- Rupees at the rate of 6 annas.

5. Where a Quarter-Rupee or an eighth of a Rupee which has been diminished in weight so as to be more than $12\frac{1}{2}$ per cent., but not more than 25 per cent. below the standard weight, and which has not been fraudulently defaced, is tendered to any person authorised to act under Section 4 of the Regulation, such person shall, if the tenderer so requests, instead of returning the cut coin, accept it at its nominal value, and it shall, thereupon, be withdrawn from circulation at Government cost.

6. Light weight and other coins cut and received under these Rules shall be sent by the first convenient opportunity to the Trivandrum Major Treasury.

Such coins will be credited as 'uncurrent coins' at the actual value at which they have been received. The Trivandrum Major Treasury Officer shall, thereupon, cause such coins to be remitted to the Resident's Treasury at Trivandrum, where they will be paid for at the rate of one Rupee per tola on their total weight.

7. In cutting or breaking any diminished, defaced or counterfeit coin, the Officers authorised in this behalf shall not completely divide the coin, as identification of the parts of a coin becomes practically impossible if the pieces are wholly separated. Care should, however, be taken that the destruction is complete.

8. Persons authorised under Section 8 of the Regulation to cut or break counterfeit silver coins shall not receive and pay for the coins according to the value of the silver bullion contained therein as permitted under that Section, save where from the excellence of the execution or for any other cause, it seems desirable that the coins should be acquired as specimens. The actual cost of acquisition of such coins, which should not in any case exceed the nominal value of the coins tendered, will be paid at the Resident's Treasury at Trivandrum, whither they should be forwarded for the purpose of remittance to the Mints.

9. In determining the loss of weight in the case of silver coins to which solder or other metal has been attached, the weight of such solder or other metal shall not be taken into account.

---

(2)

Rules under Section 9 of Regulation III of 1086, as amended by Regulation I of 1091.

(Dated 14th March 1916.)

1. The least current weight of the Sovereign and the Half-sovereign shall be 122·5 and 61·125 grains Troy, respectively.

2. Sovereigns, and half-Sovereigns even though below the least weights mentioned in Rule 1, will be received at Government Treasuries at the following rates, *viz.*,

(*a*) when such coins have not been reduced by more than 3 grains below the standard weight *i. e.*, are not less in weight than grains 120·27447 and 58·63723, respectively (the standard weight being 123·27447 and 61·63723 grains, respectively)—at their face value;

(*b*) when such coins are of less weight than 120·27447 and 58·63723 grains, respectively—at their bullion value by weight:

Provided that such coins have not been illegally dealt with *i. e.*, have not been impaired, diminished or lightened otherwise than by fair wear and tear or defaced by having any name, word, device, or number stamped thereon, whether the coin has, or has not been thereby diminished or lightened. Coins below the least weights received under this note should not, however, be re-issued to the public, but should be remitted to the Trivandrum Major Treasury under orders of the Account Officer. Coins which are of less weight than 120·27447 and 58·63723 grains will be paid for at the rate of 8·2183 grains or ·045657 tola for one rupee.

3. Sovereigns and Half-sovereigns to which solder or other metal has been attached will also be accepted at Government Treasuries, but in determining their weight, the weight of such solder or other metal should not be taken into account. If after removal of the solder the coins do not weigh less than 120·27447 and 58·63723 grains, they will be accepted at their face value; otherwise they will be paid for at the rate of 8·2183 grains or ·045657 tola for one rupee.

4. The light weight coins will be credited as "uncurrent coins" at the actual value at which they have been received. The Trivandrum Major Treasury Officer shall cause such coins to be periodically remitted to the Resident's Treasury at Trivandrum, where they will be paid for at the prescribed rates.—

T. G. G., dated 4-4-1916, Pt. I, P. 418.

REGULATION IV OF 1086.

GOVERNMENT NOTIFICATION.

(No. Fl. 2294, dated 20th December 1922.)

The Government have reason to believe that there is some disinclination on the part of the public to accept the British Silver and Nickel coins current in the State except the Rupee. The public are hereby informed that British Silver and Nickel coins of and above the denominations of two annas are legal tender in the State under Section 3 of the Regulation III of 1086 and may be freely accepted. The State Treasuries will also freely accept all genuine legal tender British coins when tendered by the public whether in payment or for exchange.—

T. G. G., dated 26-12-1922, Pt. I, P. 629.

[It may be noted here that, under a Notice, dated 7-7-1924, the Controller of the Currency, Calcutta, intimated that, in exercise of the powers conferred by the Indian Coinage Act, III of 1906, The Governor-General in Council had called in all *Nickel eigh anna* coins with effect from 1-10-1924 and that such coins would cease to be legal tender from that date.—*T. G. G., dated 4-11-1924, Pt. III, P. 141.*]

REGULATION IV OF 1086. (a)

CATTLE TRESPASS REGULATION.

CONTENTS.

CHAPTER I.

Preliminary.

Preamble.

Sections.

1. Title and extent 1
2. Repeal of enactment 2
3. Interpretation Clause 3
   "Cattle"
   "Local authority"
   "Local fund"

The figures on the right refer to the corresponding Sections of the Indian Cattle Trespass Act I of 1871 as amended by subsequent enactments.

(a) Amended by Regulations VII of 1090 and II of 1093

CHAPTER II.

Pounds and Pound-keepers.

Sections.

4. Establishment of pounds. 4
5. Control of pounds. 5
Rates of charge for feeding impounded cattle.
6. Appointment of pound-keepers. 6
Suspension or removal of pound-keepers.
Pound-keepers may hold other offices.
Pound-keepers to be public servants.

Duties of pound-keepers.

7. To keep Registers and furnish returns 7
8. To register seizures. 8
9. To take charge of and feed cattle. 9

CHAPTER III.

Impounding Cattle

10. Cattle damaging land. 10
Police to aid seizures.
11. Cattle damaging public roads, canals and embankments. ... 11
12. Fines for cattle impounded. 12
List of fines and charges for feeding.

CHAPTER IV.

Delivery or Sale of Cattle.

13. Procedure when owner claims the cattle and pays fines and charges. 13
14. Procedure if cattle be not claimed within a week. ... 14
15. Delivery to owner disputing legality of seizure, but making deposit. 15
16. Procedure when owner refuses or omits to pay the fines and expenses. 16
Deduction of fines and expenses
Delivery of unsold cattle and balance of proceeds.
Receipt.
17. Disposal of fines, expenses and surplus proceeds of sale. ... 17
18. Application of fines and unclaimed proceeds of sale. ... 18

Sections.

19. Officers and pound-keepers not to purchase cattle at sales under this Regulation 19
Pound-keepers when not to release impounded cattle.

CHAPTER V.

Complaints of illegal seizure and detention.

20. Power to make complaints. 20
21. Procedure on complaints. 21
22. Compensation for illegal seizure or detention. ... 22
Release of cattle.
23. Recovery of compensation 23

CHAPTER VI.

Penalties.

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same 24
25. Penalty on pound-keeper failing to perform duties ... 27
26. Application of fines recovered under Section 25 ... 28

CHAPTER VII.

Suits for Compensation.

27. Saving of right to sue for compensation 29
28. Set-off 30

CHAPTER VIII.

Supplemental.

29. Exercise by local authority or any Officer of powers of Magistrate of the District under the Regulation ... 31
Power of Government to direct the surplus under Section 18 to be credited to local fund.

A Regulation to consolidate and amend the law relating to Trespass by Cattle

Passed by His Highness the Maha Raja of Travancore on the 4th February 1911 corresponding with the 22nd Makaram 1086, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Trespass by Cattle; It is hereby enacted as follows :—

Cattle Trespass law.— (1) Nuisance by cattle appears to have been the subject of regular legislation as early as 1010 M. E. Regulation VI of that year, passed for giving greater efficiency to the system of Police established in Travancore, contained the following provisions :—"Sec. 26 (1) All stray cattle, horses, sheep and other stray property which may be found by the inhabitants shall be immediately delivered over to the Proverticar, who shall take care of them and defray the necessary expenses of their feeding, &c., and report the circumstance to the Police-Officer who shall issue two Proclamations, one to be affixed on a conspicuous part of his Cutcherry and the other in the Cutcherry of the Proverticar, requiring the attendance of the owners of such strays within a month from the date of the proclamation during which period if no person shall appear to claim the strays, the same shall be sold by public auction, and the proceeds, after deducting the expenses incurred, shall be deposited in the Sirkar Treasury and an account of the same forwarded to the Dewan Cutcherry.

"(2) If the owner shall prefer his claim before the Dewan Cutcherry within three months and prove that the stray belonged to him, and that the delay occasioned in not making his claim known within the time specified in the proclamation was unavoidable, the Dewan Cutcherry shall cause the money held in deposit to be paid to him, but after the expiration of three months, the amount so deposited shall be carried to the credit of the Sirkar and no claim shall be submitted afterwards."

(2) In 1056 M. E., a Regulation (I) was passed, which provided for the establishment of pounds in the Town of Trivandrum and defined the penalties enforcible and the procedure to be adopted to obtain recovery. Power was reserved to the Government to extend the operation of the Regulation to any other Town or place by Notifications in the Gazette.— *A. R., 1056.*

(3) In 1908, the Division Peishkar, Padmanabhapuram, forwarded to Government a statement of the income from and expenditure on the cattle pounds in his Division, for five years ending with 1082 M. E., and observed that the pounds were working at an average loss to Government of Rs. 372 per annum. From similar statements called from the other Peishkars, it was seen that the average loss to Government per annum on all the pounds in the State was Rs. 1,160. The Peishkars were asked to submit revised proposals for working the pounds in their respective Divisions. On these reports, the Government issued the following G. O. No. 7502/L. R., dated 12th May 1909 :—

"The first remedy suggested is that pounds should be located only at places where there is a real need for them and that all unnecessary pounds should be closed. Government approve of this proposal. There should be no hesitation in abolishing useless pounds. The Peishkars will submit, for the orders of Government, recommendations for the transfer of pounds wherever necessary. Lists should also be sent up of pounds which might be closed. The proposal of the Dewan Peishkar, Padmanabhapuram, to abolish the

pounds maintained at the following places, is sanctioned, *viz.*, Therur, Eraviputtur, Kulasekaram, Midalam, Nattalam, Brahmapuram, Kaliakavila, Arumana, Kanjampuram, Amsi, and Pakode.

"2. The next proposal is that pounds should, as far as possible, be tacked on to and worked through other departments or institutions. Government approve of this proposal. The recommendation of the Dewan Peishkar, Padmanabhapuram, regarding the transfer of management of some of the pounds in his Division is sanctioned as per details shown in Appendix A. Similar lists should be forwarded for the sanction of Government by the Peishkars of the other Divisions. Government consider that the Cattle Trespass Regulation (I of 1056) requires to be modified. There is at present no provision in the Regulation enabling pound-keepers to hold simultaneously any other office under Government. As some such provision is necessary, steps would be taken in the Legislative Section to amend Section 3 of the Regulation on the lines of the British Indian Act.

"3. It has also been suggested that, in the case of pounds tacked on to other institutions or departments, one-half of the income derived from the pounds might be granted to the officials in charge of them as remuneration for their additional work. Government approve of this proposal. Under para 6 of the Account Code "the appropriation of departmental receipts to departmental expenditure except when specially authorised, is strictly prohibited". The receipts from cattle-pounds should be made a case of special authorisation under the above para. The necessary action will be taken in the Financial Section to amend the Code in this respect.

"4. The next suggestion made is that full time pound-keepers should be paid, for each month, only up to the limit of the earnings of their pounds in the month, their pay not however being allowed to exceed the sanctioned scale in any case. This suggestion is adopted.

"5. Another remedy proposed is the enhancement of the rates of fines for impounded cattle under Sec. 10 of the Regulation. Government do not consider that any general enhancement in the existing rates of fine is called for. They however consider that a proviso should be added to Sec. 10 of the Cattle Trespass Regulation, on the lines of the British Indian and Cochin Laws, to the effect that, when it appears to Government that, in any local area, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Government may, by notification in the Gazette, direct the levy of fines at rates not exceeding double the ordinary rates. The necessary action will be taken in the Legislative Section to amend the Regulation accordingly.—

T.G. G., dated 15-6-1909, Pt. I, Pp. 1029-1030.

Regn. IV of 1086 : I. *Objects and Reasons.*—" A penal law against cattle trespass is not new to Travancore. Notwithstanding the existence, in the State, of conditions favourable to cattle life and cattle feeding, such as sufficiency of arable land, fairly plentiful rainfall, &c., cattle trespass has been a source of annoyance and loss to agriculturists and has been increasingly so of late years. Side by side with measures that would strike at the root-causes of such trespass, it is necessary to take penal measures as well. The law on the subject now in force in Travancore is contained in Regulation I of 1056. It is now nearly thirty years since the Regulation was passed. Comparing it with the corresponding laws in British India and elsewhere a number of amendments seems to be called for. Further, an examination of the statements of income and expenditure of the Cattle-pounds in the State for the past few years, the average loss to Government per annum is seen to be considerable. By enabling pound-keepers, who are now full-timed men, to hold other offices as well, and by taking power to enhance the existing rates of fine in specified local areas where cattle may be reported to

be habitually trespassing on land and damaging crops or other produce thereon, it is calculated that the financial side of the administration of Cattle-pounds may be more satisfactory. The draft Regulation now proposed follows more or less closely the lines of the British Indian Law (Act I of 1871 as amended by Act I of 1891). "— *S. O & R.*

II. Leave to introduce the Bill was granted at the meeting of the Council held on 15-9-1909 (*T. G. G., dated 28-9-1909*). The Bill was published on 9-11-1909, introduced and referred to a Select Committee on 26-11-1909— (*T. G. G., dated 7-12-1909*).

The Committee's Report was published on 19-4-1910. It was presented to, and considered by, the Council on 30-5-1910 (*T. G. G. dated 7-6-1910*. The Bill as amended by the Council was published on 14-6-1910. It was finally read and passed on 30-11-1910 (*T. G. G. dated 13-12-1910.*) The Regulation was published in the Gazette dated 14-2-1911.

Regn. VII of 1090: I. *Objects and Reasons.*—See Note under Sec. 17.

II. The Bill was published on 16-2-1915. It was introduced in the Council and considered, at the meeting held on 4-3-1915 (*T. G. G. dated 9-3-1915*). The Bill as amended by the Council was published on 30-5-1915. It was finally read and passed on 21-6-1915 (*T. G. G. dated 6-7-1915*). The Regulation was published in the Gazette dated 10-8-1915.

Regn. II of 1093: I. *Objects and Reasons.*—

"The Government have in their Notification No. J. 2573, dated 23rd March 1913, ordered that the Cattle-pounds established within Towns constituted under Regulation III of 1076 should be placed under the Town Improvement Committees and that the receipts from such pounds should be credited to the Committees. It is thought desirable to give legal validity to the said Notification by amending the Regulation. Clauses 1 and 8 of the Bill have been drafted to give effect to the said purpose. Further, fines realised under the Regulation and the surplus realised by the sale of cattle constitute the Cattle-Pound Fund of a District. It is not thought desirable to maintain any separate fund as, under Section 18, the surplus fund is at the disposal of the Government. How the fund under Section 18 should be credited in the accounts may be left to be guided by the Account Code. Clauses 2 to 5 in the Bill have therefore been drafted to secure the said object. There are some Cattle-pounds under the control of the P. W. D., Forest and Excise Departments. Clause 6 empowers the Government to authorise any officer to exercise any of the functions of the Magistrate of the District."
—*S. O & R.*

[The Notification referred to is the following G. O. issued by the Government:—"His Highness' Government consider it necessary to place the Cattle-pounds established within the areas constituted as 'Towns' under Regulation III of 1076, under the supervision and control of the respective Town Improvement Committees, and to credit the receipts from such Cattle-pounds to the said Committees. The Government therefore direct—(1) that the District Magistrate shall appoint, as Pound-keeper for each of such Cattle-pounds, under Sec. 6 of Regn. IV of 1086, a person nominated by the President of the Town Improvement Committee concerned; (2) that the District Magistrate shall appoint the President of the Town Improvement Committee concerned as the Officer to whom the Pound-keeper has to submit reports under Sec. 14 of the Regn. IV of 1086; and (3) that the surplus after the expenses connected with the pound, under Clauses (*a*) and (*b*) of Regn. IV of 1086, have been met, shall go to the credit of the "Town Fund" concerned.

2. These orders shall have effect from the 1st Medom 1088. *T. G. G., dated 8-4-1913, Pt. I, P. 587.*

II. The Bill was published in the Gazette dated 15-5-1917 and was introduced in the

CHAPTER I.

Preliminary.

Title and extent.

1. (1) This Regulation may be called "The Cattle Trespass Regulation, 1086."

(2) It extends to the whole of Travancore, except such local areas as Our Government, by Notification in the Government Gazette, may, from time to time, exclude from its operation.

(3) Our Government may, at any time, by Notification in the Government Gazette, cancel or vary a Notification under Sub-section (2).

Repeal of enactment.

2. Regulation I of 1056 is hereby repealed. But references to that Regulation, made in any Regulation passed subsequently thereto, shall be read as if made to this Regulation. Further, all pounds established, pound-keepers appointed, and Rules passed under Regulation I of 1056 shall be deemed to be respectively established, appointed and passed under this Regulation.

Interpretation Clause.

3. In this Regulation,—

"Cattle"

"Cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

"Local authority."

["Local authority" means a Town Improvement Committee or any other body of persons for the time being invested by law with the control and administration of any matters within a specified local area.

"Local fund."

"Local fund" means any fund under the control or management of a local authority.]

Council and was referred to a Select Committee on 25-6-1917 (*T. G. G., dated 7-8-1917*). The Committee's Report was published on 28-8-1917. It was presented to, and considered by, the Council on 14-9-1917 (*T. G. G., dated 16-10-1917*). The Bill as amended by the Council was published on 23-10-1917. It was finally read and passed on 21-3-1918 (*T. G. G., dated 7-5-1918*). The Regulation was published in the Gazette dated 7-5-1918.

Sec. 3. (1) The bracketed definitions were added by Sec. 1 of Regn. II of 1093. See Objects and Reasons, *Supra*.

(2) It may be noted here that these definitions taken from the Indian Act were embodied in the original Bill which became Regn. IV of 1086. The Council omitted them, on the suggestion of the President as "there appeared to be no need for these interpretation clauses. The only local bodies or organisations are the Town Improvement Committees established in a few Towns. But there are Cattle-pounds all over the State, which it is not practicable to place under the Committees."—

L. C. P., dated 30-5-1910.

CHAPTER II.

Pounds and Pound-keepers.

Establishment of pounds.

4. Pounds shall be established at such places as the Magistrate of the District may, with the previous sanction of Our Government, from time to time, direct.

The village or villages by which every pound is to be used shall be determined by the Magistrate of the District.

Control of pounds, Rates of charge for feeding impounded cattle.

5. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may, from time to time, alter the rates of charge for feeding and watering impounded cattle.

Appointment of pound-keepers.

6. The Magistrate of the District shall also appoint for each pound a pound-keeper:

Provided that Our Government may declare that the Proverthicars of villages shall be ex-officio the keepers of village pounds.

Suspension or removal of pound-keepers.

Every pound-keeper appointed by the Magistrate of the District may be suspended or removed by such Magistrate.

Pound-keepers may hold other offices.

Any pound-keeper may hold simultaneously any other office under Government.

Pound-keepers to be public servants.

Every pound-keeper shall be deemed a public servant within the meaning of the Travancore Penal Code.

Duties of Pound-keepers.

To keep registers and furnish returns.

7. Every pound-keeper shall keep such Registers, and furnish such returns as Our Government may, from time to time, direct.

To register seizures.

8. When cattle are brought to a pound, the pound-keeper shall enter in his Register—

(a) the number and description of the animals,

(b) the day and hour on and at which they were so brought,

(c) the name and residence of the seizer, and

(d) the name and the residence of the owner, if known, and shall give the seizer or his agent a copy of the entry.

9. The pound-keeper shall take charge of, feed and water the cattle, until they are disposed of as hereinafter directed.

To take charge of and feed cattle.

CHAPTER III.

Impounding Cattle.

10. The cultivator or occupier of any land,

Cattle damaging land.

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce or any part thereof,

may seize, or cause to be seized, any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and send them or cause them to be sent within twenty-four hours, to the pound established for the village in which the land is situate.

All Officers of Police shall, when required, aid in preventing—

Police to aid seizures.

(*a*) resistance to such seizures, and

(*b*) rescues from persons making such seizures.

11. Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments, and the like and Officers of Police [and of Town Improvement Committees] may seize or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments, and the like, or the sides or slopes of such roads, canals, drainage-works or embankments, or found straying thereon, and shall send them or cause them to be sent within twenty-four hours, to the nearest pound.

Cattle damaging public roads, canals and embankments.

12. For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine according to the following scale :—

Fines for cattle impounded.

Elephant	Two rupees.
Buffalo, camel, horse, mare, gelding pony, colt, filly, mule, bull, bullock, cow, or heifer	Seven chs.
Calf, ass or pig	Four chs.
Ram, ewe, sheep, lamb, goat or kid	Two chs.

Sec. 11. The bracketed words were inserted by Sec. 2 of Regn. II of 1093.

Provided that, when it appears to Our Government that, in any local area, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, Our Government may, by Notification in the Government Gazette, direct that, for every head of cattle of any kind specified therein, which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the fore-going scale, as may be prescribed in the Notification.

[All fines so levied shall be sent to the Magistrate of the District through such Officer as Our Government may from time to time direct.]

List of fines and charges for feeding.

A list of the fines and the rates of charge for feeding and watering cattle shall be stuck up in a conspicuous place on or near to every pound.

Our Government may, at any time, by Notification in the Government Gazette, cancel or vary a Notification under the Proviso to the first paragraph of this Section.

CHAPTER IV.

Delivery or Sale of Cattle.

Procedure when owner claims the cattle and pays fines and charges.

13. If the owner of impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

The owner or his agent, on taking back the cattle, shall sign a receipt for them in the Register kept by the pound-keeper.

Sec. 12 : (1) The bracketed para in the Section was substituted by Sec. 3 of Regn. II of 1093, for the old Para which was :—"All fines so levied in a District shall be credited to a Fund called the 'Cattle Pound Fund' of that District."

(2) In the Indian Act, the Proviso to the 1st para runs thus :—"Provided......Government *from the report of a Magistrate of a District or on the representation of a local authority* that in any local area *subject to the jurisdiction or control of such Magistrate or authority* cattle are habitually allowed, &c." The italicised words were in the original Bill which became Regn. IV of 1086; but they were omitted by the Council on the motion of the Member in charge, as consequential to the omission of certain definitions in Sec. 3.—*Vide* Note above.

14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the Magistrate having jurisdiction, or to such other Officer as the Magistrate of the District appoints in this behalf.

Procedure if cattle be not claimed within a week.

Such Magistrate or other Officer shall thereupon stick up in a conspicuous part of his office a notice stating—

(*a*) the number and description of the cattle,

(*b*) the place where they were seized,

(*c*) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and in the market-place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said Officer or an Officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District, by general or special order from time to time, directs:

Provided that, if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

15. If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under Section 20, then, upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

Delivery to owner disputing legality of seizure, but making deposit.

16. If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in Section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction, by such Officer, at such place and time, and subject to such conditions, as are referred to in Section 14.

Procedure when owner refuses or omits to pay the fines and expenses.

The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

Deduction of fines and expenses.

The remaining cattle, and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account, showing—

Delivery of unsold cattle and balance of proceeds.

(a) the number of the cattle seized,

(b) the time during which they have been impounded,

(c) the amount of fines and charges incurred,

(d) the number of cattle sold,

(e) the proceeds of sale, and

(f) the manner in which those proceeds have been disposed of.

Receipt.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money, if any, paid to him according to such account.

Disposal of fines, expenses and surplus proceeds of sale.

17. The Officer by whom the sale was made [shall send to the Magistrate of the District the fines so deducted.]

The charges for feeding and watering, deducted under Section 16, shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under Section 13.

[The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit, and, if no claim thereto be preferred within three months and established shall [dispose of them as hereinafter provided.]

Sec. 17: (1) As enacted in Regn. IV of 1086, the first and the third Paras stood thus:—"17. The Officer by whom the sale was made shall pay the fines so deducted, to the credit of the 'Cattle Pound Fund' of the District. * *

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period, shall, at its expiry, credit the same to the 'Cattle Pound Fund' of the District."

(2) The bracketed words in the first para were substituted by Sec. 4 of Regn. II of 1093, for the words "shall pay......the District."

(3) For the 3rd Para, Regn. VII of 1090 substituted the following:—"The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit, and, if no claim thereto be preferred within three months and established, shall credit the same to the 'Cattle Pound Fund' of the District." The reason for the substitution was thus explained in the Statement of Objects and Reasons:—"The Section as it stands requires that the claim should be preferred and established within three months, and, at

18. [Out of the sums received on account of fines and the unclaimed proceeds of the sale of cattle] shall be paid—

Application of fines and unclaimed proceeds of sale.

(a) the salaries allowed to pound-keepers under the orders of Our Government, and

(b) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the carrying out of this Regulation;

and the surplus, if any, shall be at the disposal of our Government.

19. No Magistrate, Police-Officer, or other Officer or Pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Regulation.

Officers and Pound-keepers not to purchase cattle at sales under this Regulation.

No Pound-keeper shall release or deliver any impounded cattle, otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court.

Pound-keepers when not to release impounded cattle.

CHAPTER V.

Complaints of Illegal Seizure and Detention.

20. Any person whose cattle have been seized under this Regulation, or, having been so seized, have been detained in contravention of this Regulation, may, at any time within ten days from the date of seizure, make a complaint to the Magistrate of the District or any Magistrate authorised to receive and try charges without reference by the Magistrate of the District.

Power to make complaints.

---

the expiry of the said period, the sale proceeds held in deposit, have to be credited to the 'Cattle Pound Fund' of the District. It sometimes happens that the claim is preferred within three months, but the order allowing or disallowing the claim is passed after three months. Difficulty having been experienced in the disposal of the sale proceeds in such cases, the proposed amendment is intended to make the meaning clear." —*S. O & R.*

(4) In the 3rd para as thus amended, Sec. 5 of Regn. II of 1093 substituted the words "dispose of them as hereinafter provided" for the words "credit the same...District,"

Sec. 18: The bracketed words were substituted by Sec. 6 of Regn. II of 1093 for the words. "Out of the Cattle Pound Fund of the District."

21. The complaint shall be made by the complainant in person or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

Procedure on complaints.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well-founded, he shall summon the person complained against and make an enquiry into the case.

22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle.

Compensation for illegal seizure or detention.

If the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Regulation shall be paid by the person who made the seizure or detained the cattle.

Release of cattle.

23. The compensation, fines and expenses mentioned in Section 22 may be recovered as if they were fines imposed by the Magistrate.

Recovery of compensation.

CHAPTER VI.

Penalties.

24. Whoever forcibly opposes the seizure of cattle liable to be seized under this Regulation, and

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

Whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Regulation,

shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding one month, or with fine not exceeding fifty rupees, or with both.

25. Any Pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of Section 19, or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Regulation, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

Penaly on pound-keeper failing to perform duties.

26. All fines recovered under Section 25 may be appropriated, in whole or in part, as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

Application of fines recovered under Section 25.

CHAPTER VII.

Suits for compensation.

27. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle, from suing for compensation in any competent Court.

Saving of right to sue for compensation.

28. Any compensation paid to such person under this Regulation, by order of the convicting Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Set-off.

Sec. 24: (1) The punishment provided in the Indian Act is severer—imprisonment not exceeding six months, or fine not exceeding Rs. 500, or both.

(2) After Sec. 24 in the Indian Act there is a Section (25) providing for recovery of fine for mischief committed by causing cattle to trespass, by sale of the cattle concerned. There was a similar provision in the original Bill; but it was omitted by the Council, "as the general law of offences and of procedure contains ample and necessary provisions in this matter."—

L. C. P., dated 30-5-1910.

Sec. 25: The Indian Act provides that "such fines may be recovered by deductions from the Pound-keeper's salary." A similar provision was made in the original Bill; but the Council omitted it, "the mode of recovery of fines being left to be governed by the ordinary rules."—*Ibid.*

[CHAPTER VIII.

Supplemental.

Exercise by local authority or any officer of powers of Magistrate of the District under the Regulation.

29. (1) Our Government may, by Notification in Our Government Gazette, authorise any Officer by name or by virtue of his office, or any local authority, to exercise, within the local area subject to the jurisdiction of such Officer or local authority, all or any of the functions of the Magistrate of the District under this Regulation.

Power of Government to direct the surplus under Section 18 to be credited to local fund.

(2) Our Government may by a like Notification, direct that the whole or any part of the surplus accruing under Section 18 of this Regulation from the Cattle pounds established within the local area subject to the jurisdiction of any local authority, shall be placed to the credit of the local fund of such authority.

(3) Our Government may, from time to time, by Notification in Our Government Gazette, cancel or vary any Notification under this Section.]

GOVERNMENT NOTIFICATIONS.

(1)

(Dated 13th January 1912.)

Whereas it has come to the notice of His Highness' Government that cattle in the Kumili and Peermade tracts are habitually let loose and allowed to trespass on land and buildings and to damage crops, it is hereby notified, under Section 12 of Regulation IV of 1086, that double the fine prescribed in the above Section will be levied on every head of cattle specified therein, which may be seized and impounded within the tracts mentioned above, and this notification will come into effect from the 1st Kumbhom 1087.—*T. G. G., dated 23-1-1912, Pt. I, P. 226.*

(2)

(No. 9802/L. R. & F., dated 9th September 1913.)

Whereas it has come to the notice of His Highness' Government that cattle in the town of Munnar, in the Devicolam taluk, are habitually let loose and allowed to trespass on lands and buildings and to damage crops, it is hereby notified, under Section 12 of Regulation IV of 1086, that *double* the fine prescribed in the

Chapter VIII: This was added by Section 7 of Regn. II of 1093. See Objects and Reasons, *Supra.*

above Section will be levied on every head of cattle specified therein which may be seized and impounded within the tract mentioned above. This Notification will come into effect from the 1st November 1913.—*T. G. G., dated 23-9-1913, Pt. I. P. 1644.*

(3)

(*No. J. 7970, dated 7th October 1914.*)

Under Section 12 of Regulation IV of 1086, it is hereby notified with the sanction of His Highness the Maha Raja, that, for every head of cattle impounded from the 1st Vrischigom 1090, within the area specified below, the fines leviable shall be double the ordinary rates prescribed in the said Section :—

North.—Chinnar river from its source.

East. —Chinnar river, Karimkulam and Pullanoor Ana.

South.—Devicolam and Munnar.

West. —Munnar and Anekolam.

T. G. G., dated 20-10-1914, Pt. I, P. 3831.

(4)

(*No. J. 7554, dated 19th/26th July 1918.*)

Under Section 29 of the Cattle Trespass Regulation, IV of 1086, as amended by Regulations VII of 1090 and II of 1093, it is hereby notified that the Presidents of all the Town Improvement Committees in the State are authorised to exercise, within the local areas subject to the jurisdiction of those Committees, all the functions of a Magistrate of the District under that Regulation, and that the whole of the surplus accruing under Section 18 thereof from the cattle pounds established within such area shall be placed to the credit of the "Town Fund" of the Town Improvement Committee concerned.—*T.G. G., dated 30-7-1918, Pt. I, P. 853.*

(5)

(*No. J. 5020, dated 1st June 1920*)

Under Section 29 (1) of the Cattle Trespass Regulation IV of 1086. as amended by Regulations VII of 1090 and II of 1093, the Sub-Division Officer, Edanad Sub-Division, P. W. D., is authorised to exercise the functions of a District Magistrate in respect of the Cattle-pounds at Myloony, Villukiri and Kuruthancode.— *T. G. G. dated 8-6-1920, Pt. I, P. 583.*

(6)

(*D. Dis. No. 2989/Judl., dated 22nd October 1923.*)

Under Section 29 of the Cattle Trespass Regulation IV of 1086, the Special Officer Pattazhi, is authorised to exercise the functions of a District Magistrate, within the Pattazhi Desom, in respect of the Cattle-pound established at Pattazhi.— *T. G. G., dated 30-10-1923, Pt. IV, Judl. Dept., P. 91,*

REGULATION I OF 1087.

THE TOBACCO REGULATION.

CONTENTS.

CHAPTER I.

Preliminary.

Preamble.

Sections.

1. Short title and commencement.
2. (1) Repeal of enactments.
   (2) Saving of Notifications, Rules, &c
3. Interpretation.
   "Tobacco".
   "Import".
   "Export".
   "Transport".

CHAPTER II.

Cultivation, Manufacture, Possession, Transport, Import, Export, and Sale of Tobacco.

4. Prohibitions.

CHAPTER III.

Power to search, seize and arrest.

5. Power to certain Officers to search houses, &c, without warrant.
6. Power to seize tobacco in open place.
7. Officers of certa'n Departments to assist.
8. Offence to be reported, &c.
9. Issue of warrants.
10. Report of arrests and seizures.
11. Person arrested how to be dealt with.
12. Procedure by the Superior Officer.
13. Bond of accused and sureties.
14. Procedure in case of default of person admitted to bail to appear berfore Excise Inspector.

Sections.

15. Excise Officer may summon witnesses.
16. Terms of summons.
17. Examination of witnesses by Excise Inspectors.
18. When attendance of witnesses to be dispensed with and procedure in such cases,
19. Law relating to Criminal Courts as to summoning of witnesses to apply.
20. Report of Excise Inspector gives jurisdiction to a competent Magistrate.
21. Power of Excise Inspector to cause attendance of witnesses before Magistrate.
22. Accused not to be detained in custody for a longer period than 24 hours without special authority.
23. Police to take charge of the articles seized.
24. Procedure in case of illegal tobacco cultivation.

CHAPTER IV.

Offences and Punishments.

25. Penalty for illegal cultivation, &c., of tobacco.
26. Penalty if offender is armed or disguised.
27. Presumptions in prosecutions under Sections 25 and 26.
28. What things are liable to confiscation.
29. Order of confiscation by whom to be made.
30. Vexatious entries, searches, seizures and arrests.

CHAPTER V.

Miscellaneous.

31. Power to make Rules.
32. Recovery of arrears of fees, duties, &c.
33. Powers of superior Officers.
34. Criminal Procedure Code to apply to searches, arrests, &c.

A Regulation to regulate the Cultivation, Manufacture, Possession, Transport, Import, Export and Sale of Tobacco

Passed by His Highness the Maha Raja of Travancore on the 28th September 1911 corresponding with the 12th Kanni 1087, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to consolidate and amend the law regulating the cultivation, manufacture, possession, transport, import, export and sale of tobacco; It is hereby enacted as follows :—

Tobacco Law: For a considerable period in the past, Tobacco was the subject of a rigorous State monopoly. In 1039 M. E., the monopoly system was abolished, and import duty substituted in its place. Proclamations and executive orders controlled and regulated the administration of the Tobacco revenue. When in 1010 M. E., *Regulations* came to be enacted, a Regulation (VI of 1010) was passed for giving greater efficiency to the system of Police established in Travancore. In that Regulation, a Section (38) was added to safeguard the revenue derived from articles of Sirkar monopoly. The Section was :—"Should persons be found smuggling or trading in articles of Sirkar monopoly, such as Tobacco, Pepper, Cardamom, Arrack, &c., such persons and those who may be accessory to such offence, or who may be suspected of such, shall be apprehended and tried under the Rules of this Regulation and all smuggled articles shall be confiscated to the Sirkar." The provisions of this Regulation and of Regulation VII of 1010 constituting the Zillah Courts Criminal Courts of their respective Zillahs, furnished the law relating to Tobacco for over four decades.

In 1063 M. E., the law was amended by Regulation VIII of that year. It repealed the Regulations, above mentioned in so far as they related to Tobacco (Sec. 2); defined Tobacco as including also snuff and cigars (Sec. 3); required the payment of the prescribed customs duty on Tobacco imported (Sec. 4); empowered the Dewan to prescribe the routes of import and regulate the mode and place of levying the duty (Sec. 5), and to make rules for disposal of confiscated articles and grant of rewards (Sec. 10); provided for the confiscation of vessels, packages, animals, conveyances, &c. (Secs. 8 & 9), for the arrest of offenders and search of places by day or by night (Secs. 11 & 13); and prescribed penalties for violation of the law (Secs. 6 & 7).

In 1066, an amending Regulation (II) was passed which applied the provisions of the Criminal Procedure Code to searches and arrests and other matters not specially provided for.

The practical working of the law disclosed the necessity for some supplemental provisions, and another amending Regulation, II of 1076, was passed. The main provisions of the Bill were thus explained :—"As tobacco is practically free in Cochin and British India there is considerable inducement, and, in the frontier taluks especially, ample scope for smuggling. The preventive establishment maintained for the purpose of checking smuggling find themselves hampered in their operations by the absence, in the existing law, of a provision authorizing the officers to search places containing contraband tobacco. A provision for regulating the sale of the article by license in tracts where smuggling or facility for it exists is also necessary. These are the main objects of the proposed amendment.

CHAPTER I.

Preliminary.

1. This Regulation may be called " The Tobacco Regulation of 1087". and it shall come into force on the 1st Thulam 1087;

Short title and commencement.

2. (1) Regulations VIII of 1063, II of 1066 and II of 1076 are hereby repealed.

Repeal of enactments.

An enabling provision introduced a system of license in specified areas. The object being solely to check illicit transactions and by no means to increase the cost of the licit article to the consumer, it is specifically provided that the license shall be issued free. The system will be practically confined to particular tracts in or near the frontier. Provision was made for the search of places containing contraband tobacco. The power will be exercised by, and will be conferred on, only Officers of some position. This is not a novel provision, but finds a place in almost every special law."— *S. O & R.*

In 1087, the three detached Regulations were consolidated, amended and re-enacted.

Regn. I of 1087: I. *Objects and Reasons.*—"The chief point on which the Bill departs from the previous Regulations is a provision permitting the cultivation of indigenous tobacco under necessary safeguards. No explanation can now be seriously required for opening a fresh and profitable industry to the people, without seriously telling upon the revenue of the State. In more than one Session of the Sri Mulam Popular Assembly, representations have been brought forward, requesting permission for the cultivation of tobacco. It is therefore deemed desirable to afford the people reasonable facilities for the cultivation of the article, providing at the same time, whatever precautions may be necessay in the interests of revenue.

"In prosecutions for Excise offences, at present the accused are frequently discharged owing to the prosecution being too rigorously required to prove the non-payment of duty or other wilful contravention of the law on the defendant's part. In special enactments affecting revenue, it has been considered expedient and permissible, both here and in British India, to presume the guilt of the person appearing under suspicious circumstances and to call upon him to clear himself by rebutting the presumption. A provision founded on this practice is therefore introduced in the Bill.

"Again, in prosecutions under Tobacco law, Criminal Courts at present invariably refuse to accept the charge-sheet presented by the Excise Inspector and insist upon the lodging of a complaint on oath by the Officer. It is proposed in the Bill to remove this serious inconvenience, by making the charge, sheet presented by the Excise Inspector a sufficient basis for the prosecution.—° °". *S. O & R.*

II. Leave to introduce the Bill was granted at the meeting of the Council held on 15-9-1909 (*T. G. G., dated 28-9-1909*). The Bill was published on 14-6-1910, and was introduced in the Council and referred to a Select Committee on 12-9-1910 (*T. G. G, dated 27-9-1910*). The Committee's Report was published on 7-2-1911, was presented to, and considered by, the Council on 2-3-1911. (*T. G. G., dated 7-3-1911*). The Bill was finally read and passed on 1-9-1911 (*T. G. G., dated 19-9-1911*). The Regulation was published in the Gazette dated 10-10-1911.

(2) But all Notifications, Rules and orders made under the Regulations hereby repealed, shall be deemed to have been respectively made under this Regulation, except in so far as such Notifications, Rules and orders may be inconsistent herewith.

Saving of Notifications, Rules, &c.

3. In this Regulation, unless there be something repugnant in the subject or context,—

Interpretation.

"Tobacco" shall include snuff, cigars, cigarettes, beedies, tobacco powder and other preparations or admixtures of tobacco ;

"Tobacco."

"Import" means to bring into any part of Travancore from sea or from any foreign territory ;

"Import."

"Export" means to take out of Travancore to sea or to any foreign territory ;

"Export."

"Transport" means to remove from one place to another within Travancore.

"Transport."

CHAPTER II.

Cultivation, Manufacture, Possession, Transport, Import, Export and Sale of Tobacco.

4. Except as permitted by this Regulation, or by any other enactment relating to tobacco for the time being in force, or by the Rules published under this Regulation or under any such enactment, no one shall

Prohibitions.

(*a*) cultivate, (*b*) manufacture, (*c*) possess, (*d*) transport, (*e*) import, (*f*) export, or (*g*) sell tobacco.

CHAPTER III.

Power to search, seize and arrest.

5. Whenever an Officer of the Excise Department not below the rank of an Inspector, or an Officer in charge of a Police-station, or any other class of Officer of Government, superior in rank to a peon or constable, who may be authorised by the Dewan in this behalf by Notification in the Gazette, has reason to believe that tobacco liable to confiscation

Power to certain officers to search houses, &c., without warrant.

under this Regulation, is manufactured, kept or concealed in any building, conveyance, vessel or enclosed place, and that the delay occasioned by obtaining a search-warrant under Section 9 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief,—

(*a*) enter into any such building, conveyance, vessel or place;

(*b*) in case of resistance, break open any door and remove any other obstacle to such entry;

(*c*) seize such tobacco and all materials used in the manufacture thereof and any other thing which he has reason to believe to be liable to confiscation under this Regulation;

(*d*) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to be guilty of any offence relating to such tobacco under this Regulation:

Provided that every person arrested under this Section shall be admitted to bail by such Officer as aforesaid, if sufficient bail be tendered for his appearance before a Magistrate or an Officer of the Excise Department not below the rank of an Inspector.

Power to seize tobacco in open place.

6. Any Officer of the Excise, Police or Land Revenue Department may—

(*a*) seize, in any open place or in transit, any tobacco or other thing which he has reason to believe to be liable to confiscation under this Regulation, and

(*b*) detain and search any person whom he has reason to believe to be guilty of any offence under this Regulation, and, if such person has tobacco in his possession, arrest him.

Our Government may, by Notification, and subject to such conditions as may be prescribed in such Notification, empower all or any of the Officers or classes of Officers mentioned in para 1 of this Section, either by name or in virtue of their offices, throughout the State or in any local area to admit a person arrested under this Section to bail to appear, when summoned or otherwise directed, before an Excise Officer having jurisdiction to enquire into the offence for which such person has been arrested, and may cancel or vary such Notification:

Provided that, if the Officer making the arrest under this Section be not empowered as aforesaid to admit to bail, the person arrested shall be forthwith forwarded to the nearest Officer so empowered.

And it shall be the duty of such Officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before an Excise Officer having jurisdiction to enquire into the case.

Officers of certain Departments to assist.

7. All Officers of the Police and Land Revenue Departments shall be legally bound to assist any Excise Officer in carrying out the provisions of this Regulation.

Offences to be reported, &c.

8. Every Officer employed by Government, other than an Excise Officer, shall be bound to give immediate information of the commission of an offence under this Regulation to an Excise Officer, and every Excise Officer shall be bound to give immediate information to his immediate official superior, of all breaches of any of the provisions of this Regulation which may come to his knowledge; and all such Officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches, which they may know or have reason to believe, are about or likely to be committed.

Issue of warrants.

9. The Excise Commissioner, or the Assistant Excise Commissioner, the Circle Officer, or other Officer authorised by Our Dewan in this behalf either personally or in right of his office, or a Magistrate, may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to tobacco, or for the search, whether by day or night, of any building, conveyance, vessel or place, in which he has reason to believe tobacco liable to confiscation is kept or concealed.

Report of arrest and seizures.

10. Whenever any Officer makes any arrest or seizure under this Regulation, he shall, within twenty-four hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior, as well as to the nearest Magistrate having jurisdiction.

Person arrested how to be dealt with.

11. (*a*) When any person is arrested under the provisions of Section 5, 6 or 9 of this Regulation, he shall, unless bail shall have been accepted under the provisions of Section 5 or 6, be forthwith forwarded to an Excise Inspector, or if there be no such Officer within a distance of ten miles from the place at which the arrest took place, to the nearest Police-station, with a report of the circumstances under which such arrest was made.

(*b*) On any such person being brought to a Police-station as aforesaid, the Officer in charge thereof shall either admit him to bail to appear when summoned before the Excise Inspector as aforesaid within the limits of whose jurisdiction the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such Officer.

(*c*) On any person being brought in custody before such Excise Inspector as aforesaid or appearing before him on bail, such Officer shall, after such enquiry as he may deem fit, either (1) admit him to bail to appear before the Magistrate having jurisdiction, or, in default of bail, forward him in custody to such Magistrate, or (2) release him on his executing a bond with or without sureties as such Officer may think proper, to appear, if and when so required, before such superior Officer as the Government may, by general or special order, appoint in this behalf, and make a full report to such superior Officer of the circumstances under which such release was made.

Procedure by the superior Officer.

12. Every such superior Officer, on receipt of such report, shall, after such further enquiry as he considers necessary either release the accused or cause his appearance before the Magistrate having jurisdiction, in the manner provided in Section 11.

Bond of accused and sureties.

13. Before any person is released on bail a bond, in such sufficient but not excessive sum of money as the Officer admitting him to bail thinks proper, shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Officer before whom he was bailed to attend:

Provided that the Officer admitting any such person to bail may, at his discretion, dispense with the requirement of a surety or sureties to the bond executed by such person.

Procedure in case of default of person admitted to bail to appear before Excise Inspector.

14. When, by reason of default of appearance of a person bailed to appear before an Excise Inspector or such superior Officer as is mentioned in Section 11, such Inspector or superior Officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate

having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure for the recovery of penalties in like case of default of appearance by a person bailed to appear before his own Court.

Excise Officer may summon witnesses.

15. Any Excise Officer holding an enquiry in the manner provided in Section 11, may summon any person to appear before himself to give evidence on such enquiry or to produce any document relevant thereto which may be in his possession or under his control;

Provided that no such Excise Officer shall summon any person to appear at a greater distance from the usual place of residence of such person than Our Government may, from time to time, by Rule direct.

Terms of summons.

16. Every summons issued under the last preceding Section shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said Officer at a stated time and place.

Examination of witnesses by Excise Inspectors.

17. Persons so summoned shall attend as required and shall answer truly all questions relating to such enquiry put to them by such Officer, other than questions the answer to which would have a tendency to expose them to a Criminal prosecution or to a penalty or forfeiture. Such answers shall be reduced into writing and signed by such Officer. Such answers shall also be signed by such persons but shall not be used as evidence in any Criminal proceeding, other than a proceeding on a charge of perjury, against such persons:

Provided that no prosecution for giving false evidence in respect of any statement made under this Section shall be instituted without the previous sanction of Our Government.

When attendance of witnesses to be dispensed with and procedure in such cases.

18. It shall be lawful for an Excise Inspector, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom, by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person, and there to require him to answer such questions as he

may consider necessary with respect to such enquiry; and such person shall be bound so to answer accordingly and the provisions of Section 17 shall apply to such answers.

Law relating to Criminal Courts as to summoning of witnesses to apply.

19. The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts shall, so far as the same may be applicable, apply to any summons issued by an Excise Inspector and to any person summoned by him to appear under the provisions of this Regulation.

Report of Excise Inspector gives jurisdiction to a competent Magistrate.

20. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits any such person to bail to appear before such Magistrate, such Officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report, the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if report had been made to him under Clause (*b*) of Section 170 of the Code of Criminal Procedure.

Power of Excise Inspector to cause attendance of witnesses before Magistrate.

21. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits him to bail to appear before such Magistrate, such Officer shall exercise all the powers conferred by the Code of Criminal Procedure on an Officer in charge of a Police-station, in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Accused not to be detained in custody for a longer period than 24 hours without special authority.

22. No person accused or suspected of having committed an offence under this Regulation shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of a special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such

person to the place where an Excise Inspector may be, and from thence to the Court having jurisdiction to try the case.

Police to take charge of the articles seized.

23. All Officers in charge of Police-stations shall take charge of and keep in safe custody, pending the orders of a Magistrate or of an Excise Inspector, all articles seized under this Regulation, which may be delivered to them; and shall allow any Excise Officer who may accompany such articles to the Police-station or who may be deputed for the purpose by his superior Officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the Officer in charge of the Police-station.

Procedure in case of illegal tobacco cultivation.

24. In the case of any alleged illegal cultivation of tobacco, the crop shall not be removed, but shall, pending disposal of the case, be attached by an Officer, superior in rank to a peon or constable, who may, in right of his office, be authorised by Our Dewan in this behalf by Notification in the Gazette, and such Officer shall require the cultivator to give bail in a reasonable amount to be fixed by such Officer, for his appearance before the Magistrate by whom the case is to be disposed of, and such cultivator shall not be arrested unless within a reasonable time he fails to give such bail.

CHAPTER IV.

Offences and Punishments.

Penalty for illegal cultivation, &c., of tobacco.

25. Any person who, in contravention of this Regulation or of Rules made or orders issued hereunder,—

(*a*) cultivates, (*b*) manufactures, (*c*) possesses, (*d*) transports, (*e*) imports, (*f*) exports, or (*g*) sells, tobacco, or

(*h*) transports, imports or exports tobacco by any route not legally sanctioned for that purpose, when such route has been prescribed, or

(*i*) omits to warehouse tobacco or removes or does any act in respect of warehoused tobacco, or

(*j*) otherwise contravenes any provision of the Regulation or Rules made or orders passed thereunder, or attempts or abets the contravention of any provision of the Regulation or Rules made or orders passed thereunder,

shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to six months, or with fine which may amount to five hundred rupees, or with both. On a second or subsequent conviction, he shall be liable to imprisonment for a period not exceeding a year, or fine not exceeding one thousand rupees, or both. Where fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to three months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced for the offence.

Penalty if offender is armed or disguised.

26. Whoever, in order to the committing of any of the offences under Section 25, is armed with fire-arms, or other offensive weapons, or, whether so armed or not, is disguised in any way, or, being so armed or disguised, is found within Our territories engaged in the cultivation or manufacture of tobacco without proper authority, or with tobacco on which the duty or fee leviable has not been paid, shall be punished with imprisonment which may extend to two years and shall also be liable to fine.

Presumptions in prosecutions under Sections 25 and 26.

27. In prosecutions under Sections 25 and 26, it shall be presumed, until the contrary is proved, that all tobacco which the accused is unable to account for satisfactorily is tobacco in respect of which he has committed an offence under this Regulation.

What things are liable to confiscation.

28. (1) In any case in which an offence under Section **25** or **26** has been committed,

(*a*) the tobacco so cultivated,

(*b*) the tobacco in respect of which any offence under either of the said Sections has been committed,

(*c*) where, in the case of offence under Clause (*d*), (*e*) or (*f*) of Section 25, the offender is transporting, importing or exporting any tobacco exceeding the quantity, if any, which he is permitted to transport, import or export, as the case may be, the whole of the tobacco which he is transporting, importing or exporting, and

(*d*) where, in the case of an offence under Clause (*g*) of Section 25, the offender has in his possession any tobacco other than the tobacco in respect of which the offence has been committed, the whole of such other tobacco,

shall be liable to confiscation.

(2) The vessels, packages and coverings in which any tobacco liable to confiscation under this Section is found, the other contents, if any, of the vessels or packages in which such tobacco may be concealed, the animals and conveyances used in carrying it, and the implements or articles, if any, employed in the cultivation or manufacture of tobacco, shall likewise be liable to confiscation.

Sec. 28: Case Law.

1. Where a conviction for an offence under Sec. 6 of the Tobacco Regulation (old) is recorded, it is discretionary with the Magistrate to order confiscation under Sec. 8. The Magistrate is not bound in all cases to order confiscation, as Sec. 8 gives him a discretion.

[Sec. 6 provides penalty for illegal importation, &c., of tobacco, and Sec. 8 was as follows :—"In any case in which an offence under this Regulation has been committed—(a) the tobacco in respect of which such offence has been committed ; and (b) the vessels, packages and coverings in which such tobacco is found, and the other contents (if any) of the vessel or package in which such tobacco may be concealed, and the animals and conveyances used in carrying it, shall be liable to confiscation".] **K. P.,** ***174.***

2. The question was whether, on conviction being had under Sec. 6 of the Regulation (old), it was compulsory or not to have the tobacco confiscated. *Held.*—The language of Sec. 8 was not imperative, but gave discretion to the convicting authority to confiscate the tobacco or not.—

23 T. L. R., ***88.***
Ref.—3 S. D., 368.
31 T. L. R., 97.

3. A cart and bulls were hired by the accused who used the same for transporting contraband tobacco. It was proved that the owner of the cart and bulls was not aware that they were to be used for comitting the offence. The Magistrate, holding that he was precluded by law from taking into consideration the owner's innocence, ordered confiscation of the cart and bulls. *Held.*—The power to order confiscation is a discretionary power, and should therefore be exercised judiciously and not arbitrarily. The order of confiscation would be apt only in case of dishonesty. As confiscation is a penalty or punishment, it is preposterous to accept the view that the order does not depend on the question of knowledge of the owner of the thing confiscated.

—3 S. D., ***368.***

4. The words "shall be liable to confiscation" in Clause (2) of Sec. 28 do not make it incumbent or necessary on the Sub-Magistrate, in cases of conviction, to pass an order of confiscation in regard to the vessel in which the contraband article was brought. They give a clear direction to the Magistrate to pass an order to confiscate or not as he finds it proper to pass, having regard to the evidence and the circumstances of the case. Of course, the discretion is a judicial discretion, and if the discretion has not been properly exercised and an order not warranted by the facts of the case is passed by the Magistrate, it is liable to be rectified by the proper Courts.—

31 T. L. R., ***10*** **(5 T. L. J.** ***254*****).**
Ref.—11 T. L. J., 337.

5. The charge was that the accused imported without a permit 11 tolas of tobacco, 3 tolas of snuff and 33 beedies. As a *bona fide* traveller, he was allowed by the Rules issued under the Regulation to carry free of duty, for immediate personal use, two tolas weight of tobacco, 24 cigars, 24 cigarettes, and half tola weight of snuff. The Magistrate convicted the accused and sentenced him to a fine of Rs. 2, and further ordered that the accused, being a *bona fide* traveller, would be permitted to retain for his use the prescribed quantities and that the rest of articles would be confiscated to

29. (1) When the offender is convicted, or when the person charged with an offence under this Regulation is acquitted, but the Magistrate decides that the tobacco or other things seized (if any) are liable to confiscation, such confiscation may be ordered by the Magistrate.

Order of confiscation by whom to be made

(2) When an offence against the Regulation has been committed but the offender is not known or cannot be found, or when tobacco not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Excise Commissioner,

---

the Government. It was contended in revision that the Magistrate was wrong in not having ordered the confiscation of the whole of the Thondi articles. *Held.*—When an offence under Sec. 25 (c) of the Regulation is committed, the Court can confiscate a portion of the articles imported. It is not necessary that the confiscation should be of the whole of the Thondi articles. If it is merely discretionary with the Magistrate to pass an order of confiscation, the discretion could not be said to be wrongly exercised if the order to confiscate was only with regard to a portion of the articles. In the circumstances of the case, the discretion vested under Sec. 28 could not be said to have been injudiciously exercised.—
11 T. L. J., ***337.***

Other Cases.

1. The accused, two in number, were charged with smuggling tobacco, and, being juveniles, were sentenced to be whipped. *Held.*—A sentence of whipping could not legally be passed for the offence of smuggling. The Tobacco Regulation did not sanction whipping for an offence committed under it, and the effect of the Whipping Act was simply to make whipping a part of the punishment for offences under the Penal Code.— **10 T. L. R., App.,** ***30.***

2. As a rule, a sentence of fine would be more appropriate in cases of first conviction under the Tobacco Regulation (VIII of 1063) especially when there are no aggravating circumstances and the quantity smuggled is not large.— **13 T. L. R., App.,** ***15.***

Ex.—19 T. L. R., 119.

3. Regn. VIII of 1063, Sec. 6, awarded imprisonment of either description or fine for a conviction under the enactment for the first offence. The dictum in 13 T. L. R. App., 15 was a general observation that the punishment of fine under certain circumstances would be more appropriate for first offences. Whether a sentence of simple or rigorous imprisonment for first conviction under the Regulation was proper or improper would depend on its own circumstances. The award of rigorous imprisonment in first convictions simply on the ground that the accused had no property or means to pay a fine was not justifiable, except when there were aggravating circumstances or when the quantity of tobacco smuggled was large.— **19 T. L. R.,** ***119.***

4. The accused was convicted under Sec. 6 of Regn. VIII of 1063 and Sec. 7 of Regn. VII of 1063 (Salt) and sentenced to a fine of one rupee. *Held.*—There should have been separate sentences for the separate convictions under the Salt and Tobacco Regulations. The fine imposed by the Magistrate would be considered as the punishment for the offence under the Salt Regulation. A fine of Rs. 5 was imposed for the offence under the Tobacco Regulation.— **K. P.,** ***175.***

the Assistant Excise Commissioner, the Circle Officer, or by any other Officer authorised by our Government in this behalf, either personally or in right of his office, who may thereupon order such confiscation:

Provided that no such order shall be made until the expiration of one month from the date of seizing the tobacco or other things intended to be confiscated, or without hearing the persons (if any) claiming any right thereto.

(3) Whenever confiscation is authorised by this Regulation, the officer ordering it may, in lieu of confiscation, give the owner of the thing liable to be confiscated an option to pay such fine as the Officer thinks fit.

Vexatious entries, searches, seizures and arrests.

30. Any Excise, Police or other Officer mentioned in Sections 5 and 6, who without reasonable ground of suspicion enters or searches, or causes to be entered or searched, any building, conveyance, vessel or place, or vexatiously and unnecessarily seizes the property of any person, on the pretence of seizing or searching for any tobacco or other thing liable to confiscation under this Regulation, or vexatiously and unnecessarily detains, searches or arrests any person, shall, for every such offence, be punished with fine not exceeding five hundred rupees, and, in default of payment of the fine, to imprisonment for a term which may extend to six months.

CHAPTER V.

Miscellaneous.

Power to make Rules.

31. Our Dewan may, with Our sanction, from time to time by Notification in the Gazette, make Rules consistent with this Regulation,—

(a) permitting absolutely or subject to the payment of any duty or fee or to any other conditions, and regulating, within the whole or any specified part of Travancore, the cultivation, manufacture, possession, transport, import, export and sale of tobacco;

(b) prescribing the routes by which tobacco shall be transported, imported or exported;

(c) authorising the establishment of ware-houses or bankshalls for storing tobacco legally cultivated in, or imported into, Our territories;

(*d*) fixing the mode, time and place of levying the duty;

(*e*) regulating the safe custody of tobacco ware-housed under Clause (*c*) above, the levy of fees for such ware-housing, the removal of such tobacco for sale or exportation or transport and the manner in which it shall be disposed of, if any duty or fee leviable on it be not paid within such period from the date of ware-housing the same as Our Dewan may, from time to time, prescribe;

(*f*) regulating the disposal of all things confiscated under this Regulation;

(*g*) fixing the rewards to be paid to Officers or informers out of the proceeds of fines and confiscations under this Regulation; and

(*h*) generally to carry out the provisions of this Regulation.

When routes have been prescribed under Clause (*b*), no tobacco shall be transported, imported or exported except through such routes; and when ware-houses or bankshalls have been established under clause (*c*), the owner of all tobacco legally cultivated in or imported into Our territories, shall deposit it in such ware-houses or bankshalls.

The Dewan may also, with Our sanction, by Notification in the Gazette, cancel or modify such Rules.

Recovery of arrears of fees, duties, &c.

32. Any duty or fee payable or imposed under this Regulation or any Rule made hereunder, and any dues payable by a cultivator, may be recovered from the person primarily liable to pay the same to Government or from his surety, if any, as if it were arrears of land revenue.

Powers of superior Officers.

33. Excise Officers superior in rank to an Excise Inspector may exercise the same powers throughout the local area to which they are appointed as may be exercised by such Inspector within the limits of his jurisdiction.

Criminal Procedure Code to apply to searches, arrests, &c.

34. The provisions of the Code of Criminal Procedure for the time being in force shall be applicable to all searches and arrests made under this Regulation and to all other matters of procedure in cases arising under this Regulation.

TOBACCO RULES.

CONTENTS.

CHAPTER I.

Interpretation.

1. Interpretation Clause.
   (a) "Range."
   (b) "Circle."
   (c) "Excise Inspector."
   (d) "Circle Officer."
   (e) "Assistant Excise Commissioner."
   (f) "Excise Commissioner."
   (g) "Customs Officer."
   (h) "Bankshall."
   (i) "Licensed *melabhom* merchant."
   (j) "Wholesale vend."
   (k) "Retail vend."
   (l) "Licensed wholesale vendor."
   (m) "Licensed retail vendor."
   (n) "Cherucheet holder for retail vend."

CHAPTER II.

The Import and Export of Tobacco.

2. Import without permit prohibited.
3. Import through British Post or Sirkar Anchal prohibited.
4. Customs houses and routes of import, kind and quantity of tobacco, &c.
5. Import through Customs houses on payment of duty.
6. Maximum quantity of tobacco which travellers may carry free of duty.
7. Rate of duty.
8. Preparations of tobacco subject to rates of duty in Import Tariff.
9. Candy, pound and tola weight.
10. The procedure by Customs Officer in regard to weighment and calculation of tare.
11. Procedure by Customs Officer in regard to tobacco intended for immediate removal on payment of duty.
12. Disposal of permit produced.
13. Procedure by Customs Officer in regard to tobacco intended for bonding.
14. Procedure by Customs Officer in regard to Jaffna tobacco.
15. Export of all kinds of tobacco prohibited.

CHAPTER III.

Permits for Importing tobacco.

16. Applications for permits to be forwarded through certain Officers.
17. Officers authorised to issue permits.
18. Period of currency of permit.
19. Officer issuing permits to forward copies to Customs houses and bankshalls.
20. Tobacco covered by a permit not allowed to be imported in instalments.
21. The levy of duty when the quantity imported is in excess of or less than that entered in the permit.
22. Penalty for failure to import as per permit.

CHAPTER IV.

Bonding and Issue.

23. Names of bankshalls and kinds of tobacco which may be bonded in each.
24. Officer in charge of Circle to ascertain storage capacity of bankshalls.
25. Storage in excess of maximum quantity fixed not allowed.
26. Partitioning of rooms where storage is done by more merchants than one.
27. Each room to be provided with double locks.

28. Procedure at the bankshall on arrival of tobacco imported for bonding.

29. Entries in prescribed Registers and details connected with storage.

30. License necessary for bonding tobacco.

31. Officers authorised to issue licenses for bonding.

32. Number of licenses limited by storage accommodation.

33. Conditions of license for bonding.

i. Period of currency.

ii. Minimum quantity to be bonded in a year.

iii. Licensee to bear all expenses.

iv. No licensee to claim the exclusive possession of a room.

v. Procedure in case of transfer of tobacco to another licensee in the same bankshall.

vi. No tobacco to be transferred from one bankshall to another without sanction.

vii. Removal of tobacco before payment of duty and other charges prohibited.

viii. Licensee may pay the duty due on portions of tobacco bonded and remove such portions.

ix. In places where license system is in force for sale of tobacco, *melabhom* licensee to sell only to wholesale vendor.

x. Transport pass to accompany each bale removed.

xi. Duty-paid tobacco to be removed before 5 P. M.

xii. Licensee to present application for removal of tobacco and to pay duty.

xiii. Godown charges.

xiv. Disposal of tobacco in bond for more than 2 years.

xv. Tobacco to be declared unfit for consumption when price offered is less than the duty due.

xvi. Government not responsible for loss or damage due to accident or theft.

xvii. Licensee to take care of tobacco bonded and procedure in case of failure to do so.

xviii. Licensee to keep rooms clean.

xix. Licensee to render facilities at stock-taking and to be liable for deficiencies and excesses.

xx. Licensee to furnish returns and information.

xxi. Licensee to maintain accounts.

xxii. Pecuniary dealings of licensee with Officers of the Excise Department prohibited.

xxiii. Licensee prohibited from possessing tobacco outside the bankshall.

xxiv. Penalties for infraction of conditions of license.

xxv. Licensee liable to be prosecuted irrespective of penalties imposed on him.

xxvi. Sanction of Excise Commissioner necessary for prosecution of a licensee.

xxvii. Forfeiture of license on conviction.

xxviii. Licensee bound by Tobacco Rules.

34. Stock-taking.

35. Procedure in regard to tobacco reported unfit for consumption.

36. Existing *melabhom* merchants eligible for licenses.

37. Power of attorney necessary for an agent.

38. Licensee responsible for acts of agents and persons in his employ.

39. Hours of business in a bankshall.

40. Intimation of issue to be given to Range Inspectors in places where license is necessary for sale.

41. Admission into bankshall not to be permitted except on production of ticket.

42. Chewing of tobacco within bankshall prohibited.

43. Persons entering or leaving bankshall liable to be searched.

CHAPTER V.

Sales.

44. Maximum stock prescribed for licensed retail vendor and *cherucheet* holder.

45. Places where wholesale vend prohibited except under a license.

46. Places where retail vend prohibited except under a license.

47. Places where retail vend prohibited except under *cherucheet*.

48. Officers authorised to issue licenses for wholesale vend.

49. [Cancelled]

50. Occasional licenses and fees for same.

51. Number of licenses limited to actual requirements.

52. Officer in charge of Circle to furnish a list of licensed wholesale vendors to bankshalls and Customs houses.

53. Persons ineligible for grant of licenses.

54. Applications for licenses to be forwarded to Excise Inspectors.

55. Fee for licenses for wholesale vend.

56. Applications for licenses for retail vend to be disposed of within 48 hours.

57. Applications for licenses for wholesale vend to be forwarded within 24 hours by Excise Inspector.

58. Procedure at the Circle Office in regard to grant of licenses for wholesale vend.

59. General conditions of licenses for wholesale and retail vend.

i. Period of currency of license.

ii. Sale or possession of tobacco outside limits of license prohibited.

iii. Signboard to be fixed to each shop.

iv. License to be hung up in a conspicuous place.

v. Sale by certain persons prohibited.

vi. Licensee to render facilities for examination of accounts and tobacco.

vii. Licensee not to transfer subject-matter of license.

viii. Licensee not to lease out or subrent the privilege.

ix. Licensee not to have pecuniary dealings with Officers of the Excise Department.

x. Licensee to give intimation of offences against the Tobacco Law.

xi. Forfeiture of license on conviction under Tobacco Law.

xii. Forfeiture of license on conviction under Penal Code.

xiii. Licensee to be bound by Tobacco Rules.

60. Special conditions of licenses for wholesale vend.

i. Licensee to maintain accounts.

ii. Licensee to maintain an inspection note-book and produce his books when called on to do so.

iii. Licensee to preserve transport pass and deliver same to Excise Inspector on tobacco being sold out.

iv. Licensee to issue *cherucheets*.

v. Licensee to provide himself with *cherucheet* books.

vi. Tobacco purchased by wholesale vendor not to be delayed in transit.

vii. Fresh receipt of tobacco to be credited on the day of arrival.

viii. One wholesale vendor may purchase tobacco from another wholesale vendor of the same **Taluk**.

ix. Licensee to have in his shop scales and weights.

x. Licensee to furnish returns and information.

xi. Minimum quantity to be sold by a licensee during one year.

xii. *Penalties for infraction of conditions of license.*

xiii. Licensee liable to be prosecuted irrespective of penalties imposed on him.

xiv. Procedure in regard to disposal of tobacco in stock on expiration or cancellation of license.

61. Special conditions of licenses for retail vend.

i. Licensee to purchase tobacco from a wholesale vendor in the same Taluk.

ii. *Licensee to preserve cherucheets* and produce same during inspection.

iii. Licensee to enter daily stock in the *cherucheet.*

iv. Maximum quantity licensee can sell at one time.

v. Licensee to provide himself with scales and weights.

vi. Penalties for infraction of conditions of license.

vii. Licensee liable to be prosecuted irrespective of penalties imposed on him.

62. Conditions of retail vend by *cherucheet* holders.

63. Officers competent to examine stock of *cherucheet* holders.

64. *Cherucheet* to be delivered to Petty Officer.

65. Special Rules for sale on railway station platforms.

CHAPTER VI.

The Transport and Possession of Tobacco.

66. Transport or possession within one mile of the frontier of tobacco exceeding half lb. prohibited except with a pass.

67. Transport or possession of more than 5 lbs. of tobacco without a pass in areas where license is necessary for sale is prohibited.

68. Importer paying duty at the Customs house bound to produce pass at Excise stations.

69. Officers in charge of Excise stations to endorse passes produced before them.

70. Transport by the British Post prohibited.

71. These Rules not to interfere with the the Inter-Statal Rules prescribed by G. O. No. S. R. 8106, dated the 1st December 1909.

CHAPTER VII.

Disposal of Tobacco and other articles ordered to be confiscated.

72. Tobacco ordered to be confiscated be delivered to Excise Inspector.

73. Such tobacco to be taken care of in Circle office until sale.

74. Officers in charge of Circles to hold public auctions once every quarter.

75. Excise Commissioner may reserve boats for departmental use.

76. Rules 72, 73 and 74 shall also apply to boats confiscated by Criminal Courts.

CHAPTER VIII.

Rewards.

77. Persons to whom rewards may be granted.

78. Definition of "Informer" and of "a person actually co-operating in a seizure."

79. How the amount of the reward to be calculated.
80. How the value of confiscated tobacco to be calculated for purposes of reward.
81. Sanction of Government required for granting reward when no tobacco is confiscated.
82. Excise Commissioner may sanction rewards up to Rs. 100.
83. Special service fund for Excise Commissioner.
84. No reward to be sanctioned until expiration of appeal period or disposal of appeal.
85. No reward to be granted when Appellate Court quashes conviction and declares evidence to be false.
86. Rewards when to be granted.
87. Rewards to Excise Inspectors.
88. Rewards may be granted before sale of confiscated tobacco.
89. Procedure by Officers for the grant of rewards.

CHAPTER IX.

Miscellaneous.

90. Powers of superior Officers.
91. Appeals.
92. Excise Commissioner to prescribe registers, accounts and forms.
93. Date on which the Rules come into force.

RULES

(Dated the 5th July 1913.) (a)

In exercise of the powers conferred by Section 31 of the Tobacco Regulation, I of 1087, and in supersession of all previous Notifications on the subject, the following Rules are prescribed, under sanction of His Highness the Maha Raja, for regulating the import, export, sale, transport, possession and warehousing or bonding of tobacco, the disposal of things confiscated, the granting of rewards under the said Regulation, and for generally carrying out the provisions thereof.

CHAPTER I.

Interpretation.

Interpretation Clause.

1. In these Rules, the following words and expressions have the following meanings unless a different intention appears from the subject or context.

"Range."

(a) "Range" means a local area from time to time constituted as such by Our Government by Notification in the Gazette.

"Circle."

(b) "Circle" means a local area from time to time constituted as such by Our Government by Notification in the Gazette.

"Excise Inspector."

(c) "Excise Inspector" means an Officer of the Excise Department in charge of a Range.

(a) *T. G. G., dated 8-7-1913, Pt. I, Pp. 1143-1164.*

"Circle Officer."
(*d*) "Circle Officer" means an Officer of the Excise Department in charge of a Circle.

"Assistant Excise Commissioner."
(*e*) "Assistant Excise Commissioner" means an Officer of the Excise Department designated as such, who is in charge of a Circle

"Excise Commissioner."
(*f*) "Excise Commissioner" means an Officer designated as such, having the control of the administration of the Separate Revenue Department, comprising Salt, Abkari, Tobacco, Opium, Land and Sea Customs, and Marine.

"Customs Officer."
(*g*) "Customs Officer" includes every Officer for the time being in separate charge of a Customs house or duly authorised to perform all the duties or any special duties of an Officer so in charge.

"Bankshall."
(*h*) "Bankshall" means a ware-house appointed by the Government, wherein tobacco, the duty on which has not been paid on the first importation thereof, may be bonded or deposited under these Rules by a licensed *melabhom* merchant.

"Licensed *melabhom* merchant."
(*i*) "Licensed *melabhom* merchant" means any person bonding tobacco in a bankshall under the authority of a license granted under these Rules.

"Wholesale vend."
(*j*) "Wholesale vend" means the sale of any quantity of tobacco.

"Retail vend."
(*k*) "Retail vend" means the sale of any quantity of tobacco not exceeding 5 lbs. at a time in the case of *cherucheet* holders and not exceeding 1 lb. at a time in the case of licensed retail vendors.

"Licensed wholesale vendor."
(*l*) A "Licensed wholesale vendor" means a person who has taken out a license for the wholesale vend of tobacco under these Rules and who obtains the tobacco required for such wholesale vend either by purchase from a licensed *melabhom* merchant or from another licensed wholesale vendor or at an auction sale held by an Officer of the Excise Department or by direct import through a Customs house on payment of the prescribed duty.

"Licensed retail vendor."
(*m*) A "Licensed retail vendor" means a person who has taken out a license for the retail vend of tobacco under these Rules and who obtains the tobacco required for such retail vend only from a licensed wholesale vendor.

(n) A "*Cherucheet* holder for retail vend" means a person who obtains the tobacco required for retail vend only from a wholesale licensed vendor and who sells the same under the authority of a *cherucheet* granted by such wholesale vendor.

"*Cherucheet* holder for retail vend."

CHAPTER II.

The Import and Export of Tobacco.

Import without permit prohibited.

2 No unmanufactured tobacco, whether dry or confected, shall be imported into Travancore from British India or from the Cochin State except under a permit.

Import through British Post or Sirkar Anchal prohibited.

3. No tobacco or any preparation thereof shall be imported into Travancore through any British Post Office or Sirkar Anchal Office.

Customs houses and routes of import, kind and quantity of tobacco, &c.

4. The Customs houses through which unmanufactured tobacco—Coimbatore, Tinnevelly or Jaffna—may be imported, the kind of tobacco which may be imported through each Customs house, the minimum or maximum quantity prescribed for the import of each kind of tobacco, the persons by whom importation is allowed, and the purpose for which importation is permitted through each Customs house, that is to say, whether the importation is permitted for the removal of the tobacco by the owner on payment of duty at the Customs house or for conveying the tobacco to a bankshall under the Rules relating to the bonding of tobacco, are shown below :—

Serial number.	Customs houses through which import is allowed.	The kind of tobacco permitted to be imported through each Customs house	Minimum quantity prescribed for each import.	Maximum quantity allowed to be imported during one Malayalam Official year.	Persons by whom importation is permitted.	Purpose for which importation is allowed.
1	Aramboly.	Tinnevelly tobacco dry and Coimbatore tobacco	Five Candies.	...	Licensed *melabhom* merchant.	For bonding in the Kottar tobacco bankshall.
	Do	Do.	One Candy.	...	Licensed wholesale vendor of tobacco in the Taluks of Thovala and Agastisvaram.	For immediate removal from the Customs house on payment of duty.
2	[*	*	*]	(a)		
3	Quilon Railway land entrance or backwater wharf.	Coimbatore tobacco.	Five candies.	...	Licensed *melabhom* merchant.	For bonding in the Alleppey, Quilon or Trivandrum tobacco bankshall.
	Do.	Do.	One Candy.	...	Any person.	For immediate removal from the Customs house on payment of duty.
4	Quilon sea Customs house	Do.	Ten candies.	...	Licensed *melabhom* merchant.	For bonding in the Quilon tobacco bankshall.
	Do	Jaffna tobacco.	Do.	3,745 candies.	Do.	Do.

(a) The bankshall at Trivandrum was abolished with effect from 1-6-1093, by Notification No. S. R. 127 dated 18th January 1918.—*T. G. G., dated 22-1-1918, Pt. IV, Excise Dept. P. 30.*

Ten candies, minimum, of Coimbatore tobacco was being allowed to be imported through Trivandrum Customs-house, for bonding, by licensed *melabhom* merchants.

Serial number.	Customs houses through which import is allowed.	The kind of tobacco permitted to be imported through each Customs house.	Minimum quantity prescribed for each import.	Maximum quantity allowed to be imported during one Malayalam Official year.	Persons by whom importation is prohibited.	Purpose for which importation is allowed.
5 6 7 8 9 10	Kundara, Poolankudiyirippu, Elathoor, Ayikudi, Samboor vadakara, and Shencottah railway in the Shencottah Taluk.	Tinnevelly tobacco—dry	Fifty pounds.	...	Licensed wholesale vendor of tobacco in the Shencottah Taluk	For immediate removal from the Customs house on payment of duty.
11	Alleppey sea Customs house	Coimbatore tobacco	Ten candies.	...	Licensed *melabhom* merchant.	For bonding in the Alleppey tobacco bankshall.
	Do.	Jaffna tobacco	Do.	2,000 candies.	Do.	Do.
12	Arukutty Customs house.	Coimbatore tobacco.	Five candies.	...	Do.	For bonding in the Alleppey or Quilon tobacco bankshall.
	Do.	Do.	Two candies.	...	Licensed wholesale vendor of tobacco in the Kottayam Division.	For immediate removal from the Customs house on payment of duty.

13	Alwaye railway Customs House.	Coimbatore tobacco.	[*	*	*	*] (a)
	Do.	Do.	One Candy.	..	Licensed wholesale vendors of tobacco in the Parur, Alengad, Kunnathunad, Muvattupuzha and Thodupuzha Taluks.	For immediate removal from the Customs House on payment of duty. (b)
14 15 16 17 18 19 20	Kumbom; Ramakal; Thevaram; Pathinettampadi; Bodi; Karinkulam; and Chinnar in Devicolam Taluk.	Coimbatore or Tinnevelly tobacco—dry.	Fifty pounds.	...	Licensed wholesale vendor of tobacco in the Taluk of Devicolam.	Do.

(a) The bankshall at Muvattupuzha was abolished with effect from 1st Mithunam 1096, by Notification No. S. R. 441 dated 10th June 1921.—*T. G. G., dated 14-6-1921, Pt. IV, Excise Department, P. 186.*

The bankshall at Alwaye was abolished with effect from 15th Thulam 1096, by Notification No. S. R. 4169 dated 4th November, 1920.—*T. G. G., dated 9-11-1920, Pt. IV, Excise Dept., P. 352.*

In these two bankshalls, two candies minimum of Coimbatore tobacco were allowed to be imported, through Alwaye, for bonding, by a licensed *melabhom* merchant.

(b) Added by Notification No. S. R. 2875, dated the 23rd October 1915.—*T. G. G., dated 26-10-1915, Pt. I, 1838.*

5. All kinds of tobacco other than those mentioned in Rule 4 and preparations thereof may be imported through any Customs House in Travancore on payment of the prescribed duty.

Import through Customs Houses on payment of duty.

6. *Bona fide* travellers are allowed to carry free of duty for their immediate personal use,

Maximum quantity of tobacco which travellers may carry free of duty.

2 tola weight of unmanufactured tobacco;
24 cigars;
24 cigarettes or beedies; and
½ tola weight of snuff.

7. [A duty at the rate of Bh. Rs. one hundred per candy shall be levied on all unmanufactured tobacco imported into Travancore from British India or the State of Cochin. A duty at the rate of British Rupees one hundred and ten per candy shall be levied on Jaffna tobacco imported from Ceylon, provided that the total quantity of such tobacco imported during any Malayalam Official year does not exceed the maximum prescribed in Rule 4 for the Sea Customs Houses at Alleppey and Quilon. In the case of Jaffna tobacco imported during any Malayalam Official year in excess of the above quantity the duty leviable shall be the higher rate prescribed in the Travancore Import Tariff for unmanufactured tobacco imported from foreign countries by sea.] (a)

Rate of duty.

8. Tobacco other than the kinds mentioned in Rule 4 and preparations thereof shall be subject to such rates of duty as may be prescribed, from time to time, in the Travancore Import Tariff.

Preparations of tobacco subject to rates of duty in Import Tariff.

9. [For purposes of calculating duty on unmanufactured tobacco, one candy shall be deemed equivalent to six hundred pounds;

Candy, pound and tola weight.

one pound Do.	Do.	38 8/9 tolas' weight (*i. e.*, one lb. avoirdupois).
one tola weight	Do.	one hundred and eighty grains Troy or one British Indian rupee.] (b)

10. Every Officer in charge of a Customs House to which raw or unmanufactured tobacco other than Jaffna tobacco has been imported shall, on arrival of such tobacco, examine the permit produced by the importer and compare the same with the copy of the permit forwarded to the Customs Officer under Rule 19, and shall then proceed to weigh the tobacco, bale by bale.

The procedure by Customs officer in regard to weighment and calculation of tare.

(a) Modified, with effect from 1st Karkatakom 1096 by Notifn. No. S. R. 586, dated 14th July 1921.—*T. G. G., dated 19-7-1921, Pt. IV, Excise Dept., P. 202.*

(b) Modified with effect from 26-2-1926/15-7-1101, by Notifn. No. 525/Devt. dated 23rd February 1926.—*T. G. G., dated 23-2-1926, Suppt.* The modification made was in the one pound weight which, till then, was equivalent to forty-two tolas.

[But before beginning weighment the Officer at the Customs shall obtain on the back of the copy of the permit a declaration from the importer as to the weight of the tare to be allowed for each bale. Should the weight so declared be less than 2¼ lbs. per bale in the case of Tinnevelly tobacco and 3 lbs. in the case of Coimbatore tobacco, the lower weight shall be adopted; but if the declared weight be higher the tare of one third of the number of bales imported shall be ascertained by actual weighment and the average determined. The net weight of each bale and the tare allowed as determined in the manner prescribed above shall be entered in the tobacco weighment register maintained in the Customs House. Such net weight as well as the register number shall be marked on each bale.] (a)

Procedure by Customs Officer in regard to tobacco intended for immediate removal on payment of duty.

11. In case the tobacco is intended for immediate removal on payment of duty, the Customs Officer shall levy the duty due on the net weight as determined in the last preceding Rule and shall grant to the importer a receipt therefor, *rowannah*, and also a transport pass, for each bale, in such Form as may be prescribed by the Excise Commissioner. The importer shall keep with him the receipt and the transport pass, while he shall deliver the *rowannah* to the nearest Excise Officer appointed to collect the *rowannahs* issued from the Customs House into which the duty was paid. The Officer issuing a transport pass under this Rule shall enter in it the hour of its issue.

Disposal of permit produced.

12. The permit produced by the importer shall be forwarded by the Customs Officer to the Officer who issued it with an endorsement on the reverse signed by the Customs Officer showing the quantity imported and the date of import. When the tobacco is imported by a licensed wholesale vendor, the Customs Officer shall, before the close of the day on which the duty was levied by him, forward to the Excise Inspector in charge of the Range within the limits of which such licensed wholesale vendor has his shop, an intimation showing the quantity of the tobacco imported by such vendor and the date of import.

Procedure by Customs Officer in regard to tobacco intended for bonding.

13. When the tobacco imported is intended to be bonded in a bankshall, the Customs Officer shall, after weighing and ascertaining its net weight and marking the register number and the weight on each bale in the manner described in Rule 10, obtain in the weighment register the signature of the importer testifying to the correctness of the weight entered therein. He shall then prepare a copy of the entries in the weighment register respecting the tobacco imported and shall obtain also thereon the signature of the importer. This copy shall be handed over to the escorting Officer for delivery to the Officer in charge of the bankshall where the tobacco is intended to be bonded. The copy of the permit produced by the

(a) Substituted by Notifn. No. 769/Devt. dated 24th April 1925.—*T. G. G., dated 5-5-1925 Pt. IV, Excise Dept., P. 127.*

importer shall be returned to him with an endorsement on the reverse signed by the Customs Officer showing the date of import, the total number of bales and the total weight of the tobacco imported. Such permit shall accompany the tobacco and shall be produced by the importer for the inspection of Excise Officers along the route to the bankshall whenever he is called on to do so. The tobacco shall be delivered to the importer for being conveyed to the bankshall. Consignments of tobacco conveyed from Customs Houses to bankshalls for purposes of bonding shall always be accompanied by an escort of Excise Officers in such manner as the Excise Commissioner may prescribe.

Procedure by Customs Officer in regard to Jaffna tobacco.

14. The Customs Officer at the Port of Alleppey or Quilon to which Jaffna tobacco has been imported shall weigh such tobacco, bale by bale, allowing a tare of $3\frac{1}{2}$ lbs. for each bale. Should, however, the importer object to the calculation of the tare as given above, the tare of one-third of the number of bales imported shall be ascertained by actual weighment and the average tare determined. He shall then proceed in the manner described in Rule 13 in regard to making entries in the weighment register, numbering the bales, obtaining the signature of the importer, and forwarding the tobacco under escort to the bankshall where it is intended to be bonded. It shall be the duty of such Officer to ascertain whether the quantity imported is within or in excess of the maximum quantity described under Rule 4. When the tobacco imported is in excess of the prescribed maximum, the quantity found in excess shall be detained at the Customs House pending the orders of the Excise Commissioner to whom a report shall be forwarded through the Officer in charge of the Circle.

Export of all kinds of tobacco prohibited.

15. Subject to the concession allowed to *bona fide* travellers under Rule 6, the export of every kind of tobacco from Travancore is absolutely prohibited.

CHAPTER III.

Permits for Importing Tobacco

Applications for permits to be forwarded through certain Officers.

16. Persons desirous of importing tobacco intended for immediate removal from the Customs House on payment of the prescribed duty, shall previously obtain a permit from the Excise Officer having authority to grant such permits under Rule 17. A licensed *melabhom* merchant, who desires to import tobacco for the purpose of bonding the same in a bankshall, shall present his application for permit through the Officer in charge of such bankshall, who shall forward such application to the Officer in charge of the Circle within 24 hours from the time of its presentation. Licensed wholesale vendors of tobacco carrying on their trade in places where the wholesale vend of tobacco is prohibited except under a license, shall present their applications for permits to the Excise Inspectors in charge of the

Ranges within the limits of which their shops are situate. On receipt of such applications, such Inspectors, except those who are in charge of the Taluks of Shencotta and Devicolam, shall forward the applications to the Officer in charge of the Circle in which the Ranges are situate, within twenty-four hours from the time of receipt.

Officers authorised to issue permits.

17. Subject to the provisions of Rule 4, permits for the import of raw or unmanufactured tobacco from British India or the State of Cochin may be granted by the Excise Commissioner or the Excise Officer in charge of the Circle in such Form as the Excise Commissioner may prescribe in this behalf. The Excise Inspectors in charge of the Northern and Southern Ranges of the Devicolam Circle and the Excise Inspector in charge of the Shencotta Range may also issue permits for the import of such tobacco within the limits of their respective jurisdictions. Officers receiving applications for permits shall dispose of the same within 48 hours after receipt of such applications. Permits granted by them shall be issued direct to the applicants. Due intimation of the despatch of such permits shall be given to the subordinate Officers in all cases in which the applications have been received through them.

Period of currency of permit.

18. The Officer issuing the permit shall, at his discretion, fix the period of its currency, provided that in no case shall such period exceed 45 days.

Officer issuing permits to forward copies to Customs Houses and bankshalls.

19. The Officer issuing the permit shall forward one copy thereof to the applicant, another copy to the Officer in charge of the Customs House through which the tobacco is intended to be imported, and, in cases where the tobacco is intended to be imported for being bonded in a bankshall, he shall also forward a copy of such permit to the Officer in charge of such bankshall.

Tobacco covered by a permit not allowed to be imported in instalments.

20. Whenever a permit has been issued for the import of tobacco, the holder of the permit shall not be allowed to import the tobacco mentioned therein by instalments.

The levy of duty when the quantity imported is in excess of or less than that entered in the permit.

21. Whenever tobacco is imported under a permit by a licensed wholesale vendor or by any other person who is not a *melabhom* merchant and it is found on weighment at the Customs House that the quantity imported falls short of the quantity entered in the permit by more than fifteen per cent., the importer shall pay the full duty due on the quantity entered in the permit. When on weighment, the quantity imported is found to be in excess of the quantity shown in the permit by more than fifteen per cent, the importer shall pay the duty due on the quantity shown in the permit and also double duty on the difference between such quantity and the quantity ascertained by actual weighment. In all other cases, he shall pay the duty due on the quantity actually found on weighment at the Customs House.

22. If a person to whom a permit has been issued under Rule 17 fails to import the tobacco described in such permit within the time mentioned therein, he shall not, in the absence of explanation which shall be deemed satisfactory in the opinion of the Officer issuing the permit, be again considered eligible for the grant of any permit for the import of tobacco.

Penalty for failure to import as per permit.

CHAPTER IV.

Bonding and Issue.

23. The bankshalls appointed for the bonding of tobacco and the kind of tobacco which may be deposited in each such bankshall are given below.—

Names of bankshalls and kinds of tobacco which may be bonded in each.

Name of bankshall *Kind of tobacco permitted to be bonded.*

(1) Kottar.—Tinnevelly tobacco—dry—and Coimbatore tobacco.

(2) [*] (a)

(3) Quilon.—Coimbatore tobacco and Jaffna tobacco.

(4) Alleppey.— Do. Do.

(5)
(6) } [* *] (a)

24. The Excise Officer in charge of the Circle within which a tobacco bankshall is situate shall ascertain the storage capacity of each room in such bankshall and have a statement prepared giving to each room a separate number and showing the number of tobacco bales which may be conveniently stored in it. A copy of such statement signed by such Officer shall be hung up in a conspicuous place in the bankshall.

Officer in charge of Circle to ascertain storage capacity of bankshalls.

25. The Officer in charge of the bankshall shall not permit the storage in any room of any bales in excess of the number given in such statement.

Storage in excess of maximum quantity fixed not allowed.

26. Whenever any room in a bankshall is made use of for the bonding of the tobacco belonging to more than one licensed *melabhom* merchant, the room shall, as far as practicable, be partitioned in such manner that the tobacco owned by one merchant may be clearly marked off from that owned by another.

Partitioning of rooms when storage is done by more merchants than one.

(a) The bankshalls at Trivandrum, Alwaye and Muvattupuzha have been abolished—*See* under Rule 4, *Supra*.

27. Every room in which tobacco is stored shall be secured by double locks, one being provided by the Government and the other by the licensed *melabhom* merchant or merchants whose tobacco is stored in it. The key of the former shall remain with the Officer in charge of the bankshall, while the key of the latter shall be with the merchant, or in case where there are more merchants than one, with a common agent of such merchants.

Each room to be provided with double locks.

28. The Officer in charge of a bankshall shall upon the arrival of tobacco imported through a Customs House by a licensed *melabhom* merchant, examine the permit produced by such merchant as also the copy of the customs weighment register presented by the escorting Officer and shall verify the tobacco in reference to such documents. He shall then weigh the tobacco, bale by bale, in the presence of such merchant, and the result of each weighment shall be entered in the weighment register maintained in the bankshall. The entries so made shall be signed by the licensed *malabhom* merchant. For purposes of such weighment, the tare shall be calculated in the manner in which it was done at the Customs House of import. The results of the weighment made at the bankshall shall be compared with the entries in the copy of the weighment register forwarded by the Officer in charge of the Customs House of import. Should such comparison disclose any excess or deficiency in respect of the weight of any bale, the fact shall be noted in the bankshall weighment register and a report forwarded to the Officer in charge of the Circle on the difference found. On receipt of such report, the Officer in charge of the Circle shall make such enquiry as the circumstances of the case may call for. The duty due on bales of tobacco shall always be levied on the higher weight recorded, whether at the Customs House or at the bankshall. The Officer in charge of the bankshall shall forward the permit produced by the licensed *melabhom* merchant to the Officer who issued the same, with an endorsement thereon showing the total weight of the tobacco as determined for the purpose of bonding the same.

Procedure at the bankshall on arrival of tobacco imported for bonding.

29. After re-weighment of the tobacco as provided for in the last preceding Rule, the Officer in charge of the bankshall shall see that the registers prescribed to be maintained in the bankshall in connection with the bonding of tobacco are duly filled in. The tar marks made on the covering of each bale by the Officer in charge of the Customs House of import shall be scored off. The bankshall number and the weight determined for the levy of duty shall be marked with tar on such covering. A ticket containing the following information, signed by the Officer in charge of the bankshall and bearing the seal of the institution, shall also be attached to each bale:—

Entries in prescribed registers and details connected with storage.

(*a*) number of the storage room;
(*b*) name of licensed *melabhom* merchant;
(*c*) kind of tobacco;
(*d*) number of bale;
(*e*) weight; and
(*f*) date of weighment.

30. Every person desirous of bonding tobacco in a bankshall shall previously obtain a license authorising him to bond tobacco in such bankshall.

License necessary for bonding tobacco.

31. The Excise Commissioner, Assistant Excise Commissioners and Circle Officers are empowered to issue licenses for bonding tobacco in bankshalls.

Officers authorised to issue licenses for bonding.

32. Licenses for bonding tobacco shall be granted only in so far as storage accommodation is available.

Number of licenses limited by storage accommodation.

33. A license so issued shall be subject to the following conditions :—

Conditions of license for bonding.

Period of currency.

i. The license shall have effect for a period of one Malayalam Official year commencing from the first day of Chingam, or, in the event of the license being issued on a later day during the year from such date of issue, to the last day of Karkatakam.

Minimum quantity to be bonded in a year.

ii. Every licensed *melabhom* merchant shall bond not less than ten candies of tobacco in the Official Malayalam year during which his license shall be in force. When the quantity of tobacco bonded by a licensed *melabhom* merchant during any such Official year falls below ten candies, such licensed *melabhom* merchant shall not be entitled to a renewal of his license for the next following Official year.

Licensee to bear all expenses.

iii. The entire expenses connected with the weighment and the numbering of the bales of tobacco at the Customs House of import, its conveyance from such Customs House to the bankshall, the subsequent weighment of the tobacco, procuring of tickets, the re-numbering and storage of the bales in the bankshall, the supply of coolies for stock taking, and other purposes connected with the upkeep of the bales of tobacco until their final issue from the bankshall shall be borne by the licensed *melabhom* merchant.

No licensee to claim the exclusive possession of a room.

iv. Whenever storage accommodation permits it, a licensed *melabhom* merchant will be allowed to have the exclusive use of a room for the storage of his tobacco. But when the Officer in charge of the bankshall is of opinion that the available accommodation does not admit of a room being exclusively set apart for such storage, no licensee shall claim the privilege of being the exclusive user of any room.

v. Whenever a licensed *melabhom* merchant desires to transfer the whole or any quantity of the tobacco bonded by him to another licensed *melabhom* merchant in the same bankshall, a joint application signed by both the merchants shall be presented to the Officer in charge of the bankshall together with a copying fee for the additional clerical work involved which shall be calculated at the rate of four annas for every 25 bales intended to be transferred or any fraction thereof.

Procedure in case of transfer of tobacco to another licensee in the same bankshall.

vi. Except with the previous sanction of the Excise Commissioner, no licensed *melabhom* merchant shall be permitted to transfer the tobacco bonded in one bankshall to another bankshall.

No tobacco to be transferred from one bankshall to another without sanction.

vii. The licensed *melabhom* merchant shall not remove any tobacco from the bankshall unless the duty leviable under Rule 7 and the other charges due to the Government have duly been paid.

Removal of tobacco before payment of duty and other charges prohibited.

viii. It shall not be necessary that the duty on the whole of the tobacco bonded by a licensed *melabhom* merchant should be paid at one time. He shall be at liberty to remove at a time any portion of it without breaking bulk in regard to any bale on payment of the duty and other charges due thereon.

Licensee may pay the duty due on portions of tobacco bonded and remove such portions.

ix. No tobacco shall be issued from a bankshall to any person residing in or carrying on business at a place where a license is necessary for the sale of tobacco unless such person is a wholesale vendor of tobacco.

In places where license system is in force for sale of tobacco, *melabhom* licensee to sell only to wholesale vendor.

x. Tobacco removed from a bankshall shall be accompanied by a transport pass issued in respect of each bale by the Officer in charge of the institution authorising such removal.

Transport pass to accompany each bale removed.

xi. All tobacco in respect of which the duty and other charges due to the Government have been paid shall be removed from the bankshall before 5 P. M. on the day on which such payment was made.

Duty-paid tobacco to be removed before 5 P. M.

xii. Whenever the licensed *melabhom* merchant desires to remove any tobacco from the quantity bonded by him in the bankshall, he shall present an application to the Officer in charge of the bankshall in such Form as the Excise Commissioner may prescribe for the purpose and shall pay to such Officer the duty and other charges due on the tobacco intended to be removed.

Licensee to present application for removal of tobacco and to pay duty.

xiii. Tobacco bonded in a bankshall shall pay godown rent as specified below :—

Godown charges.

Jaffna tobacco.........Half anna per bale for one Official Malayalam month or any fraction thereof.

Coimbatore and Tinnevelly tobacco	One and a half annas	Do.	Do.

xiv. When tobacco has been in bond in any bankshall for two years, the Excise Commissioner may, after giving a month's notice to the licensed *melabhom* merchant who has bonded such tobacco, order its sale by auction and the payment of the proceeds of such sale to the *melabhom* merchant after deducting therefrom the duty and other charges due to the Government.

Disposal of tobacco in bond for more than 2 years.

xv. When the highest price offered for any tobacco under the last preceding Clause is less than the duty due on the same, such tobacco shall be deemed to be unfit for consumption and dealt with as such.

Tobacco to be declared unfit for consumption when price offered is less than the duty due.

xvi. The Government shall not be held responsible for the destruction, loss or damage of any tobacco bonded or deposited in bankshalls, by fire, lightning or any other accident, or by theft. It shall be distinctly understood that all such tobacco is bonded or deposited at the sole risk of the licensed *melabhom* merchant.

Government not responsible for loss or damage due to accident or theft.

xvii. It shall be the duty of the licensed *melabhom* merchant to take every reasonable care of the tobacco bonded by him. Should, in the opinion of the Officer in charge of the bankshall, any mat or other covering used for protecting the tobacco stand in need of immediate renewal or any other thing has to be done for the better protection of such tobacco, he shall have a notice served on the licensed *melabhom* merchant calling on the latter to have such renewal effected or act done within 24 hours. In case the licensee fails to comply with such notice within the time prescribed therein, such Officer shall have the work done at Government expense and forward a report to the Officer in charge of the Circle showing the expenditure incurred in connection therewith. On receipt of such report, the Officer in charge of the Circle shall call upon the licensee to pay up the amount of such expenditure within 7 days, and shall also inform him that, in case such amount is not paid within the prescribed time, it shall be viewed as the first charge due to the Government on the whole

Licensee to take care of tobacco bonded and procedure in case of failure to do so.

quantity of tobacco belonging to him and remaining in bond in the bankshall. The payment of the amount shall be a condition precedent to the removal of any such tobacco by the licensed *melabhom* merchant.

Licensee to keep rooms clean.

xviii. It shall be the duty of the licensed *melabhom* merchant to keep the rooms in which his tobacco is stored scrupulously clean.

Licensee to render facilities at stocktaking and to be liable for deficiencies and excesses.

xix. The licensed *melabhom* merchant shall render all facilities to the Officer in charge of the Circle when the latter examines the stock of tobacco in the bankshall at the commencement of each Official year. When such examination discloses any deficiency and the licensed *melabhom* merchant is unable to satisfactorily account for the same, he shall be liable for the duty and other charges due to the Government on such tobacco. In the event of any excess being found, the Officer conducting such examination shall hold an enquiry into the circumstances which gave rise to such excess and shall have the same immediately credited in the accounts relating to the licensed *melabhom* merchant.

Licensee to furnish returns and information.

xx. Such returns and information as may be required by the Excise Commissioner shall be furnished by every licensed *melabhom* merchant.

Licensee to maintain accounts.

xxi. The licensed *melabhom* merchant shall maintain true accounts of his daily transactions which shall be written in ink in such Form as may be prescribed by the Excise Commissioner and shall produce such accounts whenever called on to do so by the Excise Commissioner, the Assistant Excise Commissioner or the Circle Officer.

Pecuniary dealings of licensee with Officers of the Excise Department prohibited.

xxii. No licensed *melabhom* merchant shall have pecuniary dealings of any kind with any Officer of the Excise Department.

Licensee prohibited from possessing tobacco outside the bankshall.

xxiii. In areas where the wholesale or retail vend of tobacco is prohibited except under a license, the license granted to a *melabhom* merchant for bonding tobacco in a bankshall shall not entitle him to sell or have in his possession outside the bankshall any tobacco issued from such bankshall.

Penalties for infraction of conditions of license.

xxiv. Infraction of any of the conditions of the license will entail on the licensed *melabhom* merchant—

(*a*) a fine up to Rs. 50, and

(b) may also disentitle him to a renewal of his license.

It shall be competent to the Excise Commissioner to impose the above penalties.

Licensee liable to be prosecuted irrespective of penalties imposed on him.

xxv. The imposition of a fine or the non-renewal of a license under these Rules shall not relieve a licensed *melabhom* merchant or his agent from liability to be prosecuted for any specific offence committed against the Tobacco Regulation or any infringement of the Rules made thereunder.

Sanction of Excise Commissioner necessary for prosecution of a licensee.

xxvi. No licensed *melabhom* merchant shall be prosecuted for any offence under the Tobacco Regulation or the Rules framed thereunder except with the previous sanction of the Excise Commissioner.

Forfeiture of license on conviction.

xxvii. If the licensed *melabhom* merchant shall be convicted of any offence under the Tobacco Regulation, the Excise Commissioner may declare his license forfeited. If such merchant is convicted under the Penal Code, such conviction shall render him liable to forfeiture of the license if the offence for which he is convicted is such as in the opinion of the Government renders him unfit to hold it.

Licensee bound by Tobacco Rules.

xxviii. The licensed *melabham* merchant shall be bound by all Rules which have been passed or which may hereafter be passed under the said Regulation or under any law relating to tobacco revenue which may hereafter be passed.

Stock-taking.

34. In the first week of each Malayalam Official year, the Officer in charge of the Circle shall take an account of the stock of tobacco bonded in bankshalls. Deficiencies and excesses disclosed during such stock-taking shall be dealt with in the manner provided in Clause xix of Rule 33. A report giving the results of such stock-taking and also of the enquiry referred to in the said Clause shall be forwarded to the Excise Commissioner.

Procedure in regard to tobacco reported unfit for consumption.

35. Whenever any tobacco bonded in a tobacco bankshall is reported to be unfit for consumption, the Officer in charge of the Circle shall make an enquiry into the circumstances connected with the subject-matter of such report, and if he is satisfied that the tobacco has become unfit for consumption, he shall forward a report to the Excise Commissioner, and the latter Officer may order the destruction of such tobacco and may make a recommendation to the Government for the quantity being written off the accounts.

Existing *melabhom* merchants eligible for licenses.

36. Merchants who have tobacco under bond in the bankshalls on the date these Rules come into force shall be eligible for the grant of licenses under Rule 30.

37. No one shall be recognised as the agent of a licensed *melabhom* merchant unless he produces a duly executed power-of-attorney from such merchant.

Power-of-attorney necessary for an agent.

38. The licensed *melabhom* merchant shall be responsible for any infringement of the conditions of his license committed by his agents or persons in his employ.

Licensee responsible for acts of agents and persons in his employ.

39. Tobacco bankshalls shall be open to business from 10 A. M. to 5 P. M., on all days except recognised holidays. Applications for the issue of tobacco will not be received after 12 noon, nor will payments on account of duty and other charges be accepted after 2 P. M.

Hours of business in a bankshall.

40. Whenever tobacco is issued from a bankshall to a licensed wholesale vendor, the Officer in charge of the bankshall shall, before the close of the day on which the issue is made, forward a written intimation in such Form as may be prescribed by the Excise Commissioner, to the Excise Inspector in charge of the Range within which such licensed wholesale vendor carries on his business.

Intimation of issue to be given to Range Inspectors in places where license is necessary for sale.

41. No persons other than Excise Officers on duty shall be permitted to enter a tobacco bankshall except on production of a ticket of admission granted by the Officer in charge of such bankshall.

Admission into bankshall not to be permitted except on production of ticket.

42. The chewing of tobacco within the premises of tobacco bankshalls is strictly prohibited.

Chewing of tobacco within bankshall prohibited.

43. In case of suspicion, the guard on duty at the entrance may search any person either entering or leaving a bankshall.

Persons entering or leaving bankshall liable to be searched.

CHAPTER V.

Sales.

44. Neither a licensed retail vendor nor a *cherucheet* holder for retail vend shall have in stock more than 10 lbs. of tobacco at a time.

Maximum stock prescribed for licensed retail vendor and *cherucheet* holder.

45. The wholesale vend of tobacco is prohibited in the following places except under a license:—

Places where wholesale vend prohibited except under a license.

Taluk.		Pakuthis.
(1)	Thovala	... All Pakuthis.
(2)	Agastisvaram	... [All the Pakuthis excluding the Neendakara Pakuthi.] (a)
(3)	Shencottah	... All Pakuthis.
(4)	Ambalapuzha	... The Alleppey Pakuthi.
(5)	Changanacherry	... All Pakuthis.
(6)	Kottayam	... Do.
(7)	Peermade	... Do.
(8)	Meenachil	... Do.
(9)	Ettumanoor	... Do.
(10)	Thodupuzha	... Do.
(11)	Muvattupuzha	... Do.
(12)	Vaikom	... Do.
(13)	Shertallay	... Do.
(14)	Parur	... Do.
(15)	Alengad	... Do.
(16)	Kunnathunad	... Do.
(17)	Devicolam	... Do.

Places where retail vend prohibited except under a license.

46. The retail vend of tobacco in the places specified below is prohibited except under a license.

Taluk.		Pakuthis.
(1)	Thovala	... All Pakuthis.
(2)	Agastisvaram	... [All the Pakuthis excluding the Neendakara Pakuthi.] (a)
(3)	Shencottah	... All Pakuthis.
(4)	Kottayam	... Kumarakom, Kummanam, Aimanam, Thiruvarppu and Kottayam.
(5)	Peermade	Mlappara, Vandanmettu, Periyar, Peermade and Peruvanthanam.
(6)	Ettumanoor	All Pakuthis.
(7)	Thodupuzha	Thodupuzha and Karimanoor.

(a) Substituted by Notifn. No. 1619/Devt. dated 30th September 1924.—*T. G. G., dated 7-10-1924, Pt. IV, Excise Dept., P. 34.*

TRIVANDRUM PUBLIC LIBRARY

Taluk.		Pakuthis.
(8)	Muvattupuzha	All Pakuthis.
(9)	Vaikom	Do.
(10)	Shertallay	[Do.] (a)
(11)	Parur	Do.
(12)	Alengad	Do.
(13)	Kunnathunad	Do.
(14)	Devicolam	Do.

Places where retail vend prohibited except under *cherucheet.*

47. In no places situate within the land revenue Divisions of Kottayam and Devicolam except those mentioned in the last preceding Rule, and within the Alleppey Pakuthi in the Ambalapuzha Taluk of the Quilon Division, shall the retail vend of tobacco be carried on without a *cherucheet* granted by a licensed wholesale vendor.

Officers authorised to issue licenses for wholesale vend.

48. Any Officer of the Excise Department not below the rank of a Circle Officer may grant a license for the wholesale vend of tobacco in any place within the limits of his jurisdiction. Such Officer may, at his discretion, by an order in writing, refuse to issue a license.

49. [Cancelled.] (b)

Occasional licenses and fees for same.

50. Officers who are empowered to grant licenses for the wholesale or the retail vend of tobacco may grant occasional licenses for such wholesale or retail vend of tobacco on the occasions of fairs, festivals, &c., in places in the vicinity of which regularly licensed shops or a sufficient number of such shops do not exist. The period of such licenses shall, in no case, exceed ten days. The fee for an occasional license for wholesale vend shall be calculated at the rate of half a rupee for each day during which such license is intended to be in force.

Number of licenses limited to actual requirements.

51. The number of licenses, either for wholesale vend or for retail vend, shall be limited to the actual requirements of particular localities. As regards the actual requirements of any particular locality, the Excise Commissioner's decision shall be final.

Officer in charge of Circle to furnish a list of licensed wholesale vendors to bankshalls and Customs Houses.

52. The Officer in charge of a Circle shall furnish to the Officer in charge of every bankshall from which tobacco is issued to licensed wholesale vendors whose shops are situate within such Circle, and also to the Officer in charge of every Customs House through which such licensed wholesale vendors are likely

(a) Retail vend has been prohibited in all Pakuthis of the Taluk by Notifn. No. 1270/Devt., dated 21st June 1922.—*T. G. G., dated 27-6-1922, Pt. IV, Excise Dept., P. 299.*

(b) Cancelled by Notification S. R. 3205, dated the 7th December 1915.—*T. G. G., dated 14-12-1915, Pt. I, P. 2105.*

to import tobacco intended for sale in such shops, a list showing the names and addresses of the persons to whom licenses for the wholesale vend of tobacco are granted from time to time.

Persons ineligible for grant of licenses.

53. No license, either for wholesale or retail vend, shall be issued to any person,—

(a) who has been convicted of an offence falling under the Travancore Penal Code and involving moral turpitude, or

(b) who has been convicted of any offence under the Tobacco Regulation, I of 1087, or any serious offence under any other law relating to Separate Revenue, or

(c) who is a defaulter in respect of any Abkari or Opium Contract or of any sum due to the Government under Separate Revenue, or

(d) who is a public servant in the active service of the Government.

Applications for licenses to be forwarded to Excise Inspectors.

54. Persons desirous of carrying on the wholesale or the retail vend of tobacco in the areas in which such wholesale or retail vend is prohibited, or may, hereafter, be prohibited, except under a license, shall forward their applications for licenses to the Excise Inspector of the Range within the limits of whose jurisdiction the wholesale or the retail vend of tobacco, as the case may be, is intended to be carried on.

Fee for licenses for wholesale vend.

55. A fee of Rs. five shall be charged on each license for wholesale vend. Licenses for the retail vend of tobacco will be granted free of any fee.

Applications for licenses for retail vend to be disposed of within 48 hours.

56. All applications for the grant of licenses for the retail vend of tobacco shall be entered in a register prescribed for the purpose and shall be disposed of by the Excise Inspector of the Range within 48 hours of the receipt of such applications.

Applications for licenses for wholesale vend to be forwarded within 24 hours by Excise Inspector.

57. On receipt of applications for grant of licenses for the wholesale vend of tobacco, the Excise Inspector of the Range shall forward the same within 24 hours of receipt to the Excise Officer in charge of the Circle with such remarks thereon as such Inspector may deem fit to make.

Procedure at the Circle office in regard to grant of licenses for wholesale vend.

58. On receipt of such application, the Officer in charge of the Circle shall, if he is satisfied that there are no grounds which disentitle the applicant to be a wholesale vendor of tobacco, forward to such applicant, within 48 hours from the receipt of the application, a chellan for the remittance of Rs. five on

account of the fee due for the license and call upon him to produce the treasury receipt for the amount. Such Officer shall grant the license immediately on production of such receipt.

59. General conditions applicable to licensed wholesale vendors and licensed retail vendors of tobacco.

General conditions of licenses for wholesale and retail vend.

Period of currency of license.

i. A license issued under these Rules, either for wholesale vend or for retail vend, shall have effect for a period of one Malayalam Official year commencing from the first day of Chingom, or in the event of the license being issued on a later day during the year, from such date of issue, to the last day of Karkatakam.

Sale or possession of tobacco outside limits of license prohibited.

ii. The sale or possession, except subject to the Rules applicable to unlicensed persons, of any tobacco outside the limits specified in the license, is prohibited.

Sign board to be fixed to each shop.

iii. A sign board shall be fixed to the front of each shop in a conspicuous place stating in the local Vernacular the number of the license, the nature of the license and the name of the licensee.

License to be hung up in a conspicuous place.

iv. The license shall be hung up in a conspicuous place within.

Sale by certain persons prohibited.

v. The sale of tobacco by persons below the age of 14 or by persons suffering from leprosy or other contagious disease is prohibited.

Licensee to render facilities for examination of accounts and tobacco.

vi. The licensee shall render to every Officer authorised to inspect shops all facilities for the examination of the accounts and the weighment of the stock of tobacco. All Officers of the Excise Department not below the rank of [Sub-Inspectors] (a) are empowered to examine the stock and accounts of the licensed wholesale vendors.

All Officers of the Excise Department not below the rank of Petty Officers are empowered to examine the stock and accounts of licensed retail vendors.

Licensee not to transfer subject-matter of license.

vii. The licensee shall not sell or otherwise transfer the subject-matter of his license.

(a) Substituted for 'Inspectors' by Notifn No. 242, dated 2nd February 1923.—*T. G. G., dated 6—2—1923, Pt. IV, Excise Dept., P. 447.*

viii. No licensee shall lease out or sub-rent the privilege granted to him under the license.

Licensee not to lease out or sub-rent the privilege.

ix. The licensee shall not have pecuniary dealings of any kind with the Officers of the Excise Department.

Licensee not to have pecuniary dealings with Officers of the Excise Department.

x. The licensee shall give intimation to an Officer of the Excise Department, not below the rank of a Petty Officer, of any offence under the Tobacco law the commission of which comes to his knowledge.

Licensee to give intimation of offences against the Tobacco law.

xi. If the licensee shall be convicted of any Offence under the Tobacco Regulation, the Officer who granted such license may declare it forfeited.

Forfeiture of license on conviction under Tobacco law.

xii. If the licensee is convicted under the Penal Code, such conviction shall render him liable to forfeiture of the license if the offence for which he is convicted is such as, in the opinion of the Excise Commissioner, renders him unfit to hold it.

Forfeiture of license on conviction under Penal Code.

xiii. The licensee shall be bound by all Rules which have been passed under the Tobacco Regulation, I of 1087, or which may, hereafter, be passed under the said Regulation or under any law relating to tobacco revenue which may, hereafter, be passed.

Licensee to be bound by Tobacco Rules.

60. Special conditions applicable to licensed wholesale vendors of tobacco.

Special conditions of licenses for wholesale vend.

i. Every licensee shall maintain in his shop, from day to day, true accounts of the transactions, which shall be written in ink in the Form prescribed by the Excise Commissioner. Such accounts shall be in printed books (foolscap size), each book having not less than 50 such Forms. The licensee shall before making any entry in such book, produce it before the Officer in charge of the Circle, who shall cause the pages of such book being stamped with his office stamp and a certificate entered therein showing the number of pages contained in such book and also the fact of each page having been duly stamped. The closing balance of the stock shall daily be entered in such book as soon as the transactions for each day are closed. The licensee shall sign such entry.

Licensee to maintain accounts.

ii. The licensee shall maintain in his shop an inspection note book with pages numbered consecutively for inspecting Officers to enter their remarks in. Both this book and the account book described in the last preceding Clause shall be produced by the licensee whenever called on to do so by an Officer empowered to examine the stock and accounts of the licensee.

Licensee to maintain an inspection note book and produce his books when called on to do so.

iii. The licensee shall carefully preserve the transport pass issued in respect of each bale of tobacco either under Rule 11 or under Clause x of Rule 33 and shall produce the same for the inspection of the Officers mentioned in Clause vi of Rule 59, and when the tobacco mentioned in each pass is sold out, the licensee shall deliver such pass to the Excise Inspector of the Range for record in the Range Office.

Licensee to preserve transport pass and deliver same to Excise Inspector on tobacco being sold out.

iv. Whenever tho licensee sells any tobacco to a licensed retail vendor or to a *cherucheet* holder for retail vend, or in quantities not below one lb. to any other person for purposes of private consumption, he shall grant to the purchaser of such tobacco a *cherucheet* signed by him in such Form as the Excise Commissioner may prescribe. Such *cherucheet* shall specifically state whether the tobacco sold is intended for retail vend by the purchaser or for private consumption.

Licensee to issue *cherucheets.*

v. The licensee shall provide himself with books containing printed *cherucheet* Forms in duplicate. *Cherucheet* Forms shall not be made use of unless the books containing them have been previously stamped and paged by the Excise Inspector of the Range. Whenever a *cherucheet* is issued, all the entries contained therein shall also be made in the duplicate or counterfoil and such duplicate or counterfoil shall be produced whenever required for the inspection of the Officers mentioned in Clause vi of Rule 59.

Licensee to provide himself with *cherucheet* books.

vi. Tobacco issued from a bankshall or imported through a Customs House shall not be delayed in transit beyond the time actually necessary for the purpose. For determining the time actually necessary for transport, one day shall be allowed for 20 miles by cart or boat and for 70 miles by rail.

Tobacco purchased by wholesale vendor not to be delayed in transit.

vii. Every fresh receipt of tobacco by the licensee shall be credited in the account book kept under Clause i on the date of the arrival of such tobacco in his shop.

Fresh receipt of tobacco to be credited on the day of arrival.

viii. One licensed wholesale vendor may purchase the tobacco required for sale in his shop from another licensed wholesale vendor provided that the shops of both are situate within the same Taluk.

One wholesale vendor may purchase tobacco from another wholesale vendor of the same Taluk.

ix. Every licensee shall have in his shop a pair of accurate scales and also a set of authorised weights for weighing at least 100 lbs. of tobacco at a time.

Licensee to have in his shop scales and weights.

x. Such returns and information as may be required by the Excise Commissioner or the Officer in charge of the Circle shall be furnished by the licensee.

Licensee to furnish returns and information.

xi. A licensee whose aggregate sale of tobacco during one Official year does not exceed 900 lbs. shall not be entitled to a renewal of his license for the next following Official year.

Minimum quantity to be sold by a licensee during one year.

xii. Infraction of any of the conditions of the license either by a licensee or by any person in his employment, will entail on the licensee either a fine up to Rs. 10, or the cancellation of the license, or both. It shall be competent to the Officer in charge of the Circle to impose the above penalties.

Penalties for infraction of conditions of license.

xiii. The imposition of a fine or the cancellation of a license under these Rules shall not relieve the licensee or any person in his employment from liability to be prosecuted for any specific offence committed against the Tobacco Regulation or any infringement of these Rules.

Licensee liable to be prosecuted irrespective of penalties imposed on him.

xiv. When the period of a license granted under these Rules expires and such license is not renewed for the next following Official year, or, when a license is cancelled and a notice of such cancellation is given to the licensee, such person shall, within seven days from the date of expiry of the period of the license, or from the receipt of such notice, as the case may be, sell any tobacco that may remain with him to any wholesale licensed vendor. Should the owner of such tobacco fail to do so within the prescribed period, the Excise Inspector of the Range within which the shop of such owner of tobacco is situate shall take such tobacco in custody and keep the same in his office. The owner of such tobacco shall be allowed a further period of 30 days for selling the tobacco in one transaction to a wholesale licensed vendor of tobacco. If, before the expiry of the further period, the owner of the tobacco fails to sell it, the Officer in charge of the Circle shall sell such tobacco by public auction and deliver to the owner the proceeds thereof after deducting from the same the expenses connected with the sale.

Procedure in regard to disposal of tobacco in stock on expiration or cancellation of license.

61. Special conditions applicable to licensed retail vendors of tobacco.

Special conditions of licenses for retail vend.

i. Every licensed retail vendor of tobacco in a Taluk shall purchase the tobacco required for sale by him from a licensed wholesale vendor carrying on his business in the same Taluk.

Licensee to purchase tobacco from a wholesale vendor in the same Taluk.

ii. The licensee shall carefully preserve the *cherucheets* issued to him by the licensed wholesale vendor from whom he purchased his stock, and shall produce the same for the inspection of Officers authorised to examine the stock and *cherucheets* of licensed retail vendors. When the tobacco mentioned in each *cherucheet* is sold out, the licensee shall deliver such *cherucheet* to the Petty Officer within the limits of whose jurisdiction the licensee's shop is situate.

Licensee to preserve *cherucheets* and produce same during inspection

iii. The licensee shall, after each day's sales are over, enter on the back of the *cherucheet* the true quantity of unsold balance remaining in his shop. Such entry shall be signed by the licensee.

Licensee to enter daily stock in the *cherucheet.*

iv. The licensee shall not sell more than one lb. of tobacco at a time.

Maximum quantity licensee can sell at one time.

v. Every licensee shall have in his shop a pair of accurate scales and also a set of authorised weights for weighing at least 5 lbs. of tobacco at a time.

Licensee to provide himself with scales and weights.

vi. Infraction of any of the conditions in his license will entail on the licensee, either a fine up to Rs. 2, or the cancellation of the license, or both. It shall be competent to the Officer in charge of the Circle to impose the above penalties.

Penalties for infraction of conditions of license.

vii. The imposition of a fine or the cancellation of a license under these Rules shall not relieve the licensee from liability to be prosecuted for any specific offence committed against the Tobacco Regulation or any infringement of these Rules.

Licensee liable to be prosecuted irrespective of penalties imposed on him.

62. A *cherucheet* holder for retail vend in a Taluk shall purchase the tobacco required for sale in his shop only from a licensed wholesale vendor in the same Taluk. Such *cherucheet* holder shall carefully preserve the *cherucheet* issued to him by the licensed wholesale vendor from whom he purchased his stock of tobacco and shall produce the same for the inspection of Officers authorised to examine the stock and *cherucheets* of such *cherucheet* holders.

Conditions of retail vend by *cherucheet* holders.

63. All Officers of the Excise Department not below the rank of Petty Officers are authorised to examine the stock and *cherucheets* of *cherucheet* holders for retail vend.

Officers competent to examine stock of *cherucheet* holders.

64. When the tobacco mentioned in a *cherucheet* is sold out, the *cherucheet* holder shall deliver such *cherucheet* to the Petty Officer within the limits of whose jurisdiction his shop is situate.

Cherucheet to be delivered to Petty Officer.

65. The grant of licenses for the sale of tobacco on the platforms of railway stations within Travancore shall be regulated by the special Rules relating to the Shoranur-Cochin Railway published in the Travancore Government Gazette, dated the 23rd September 1902, and by the special Rules relating to the Quilon-Tinnevelly Railway, dated the 13th July 1906.

Special Rules for sale on railway station platforms

CHAPTER VI.

The Transport and Possession of Tobacco.

66. Subject to the provisions of Rules 10, 11 and 13, in areas where the retail vend of tobacco is prohibited except under a license, no person shall have in his possession, in any place which is not more than one mile distant from the nearest Travancore frontier, or transport to any such place, any quantity of raw or unmanufactured tobacco exceeding half a pound, unless such tobacco is accompanied by a *transport pass* issued by any Officer of the Excise Department not below the rank of a Petty Officer.

Transport or possession within one mile of the frontier of tobacco exceeding half lb. prohibited except with a pass.

67. Subject to the provisions of the last preceding Rule, in places where the wholesale or retail vend of tobacco is prohibited except under a license, no person shall transport or have in his possession any quantity of raw or unmanufactured tobacco exceeding 5 lbs. unless such tobacco is accompanied by a *cherucheet* granted by a licensed wholesale vendor or by a transport pass issued by a Customs Officer or an Officer in charge of a tobacco bankshall.

Transport or possession of more than 5 lbs. of tobacco without a pass in areas where license is necessary for sale is prohibited.

68. The transport pass granted to an importer of tobacco the duty on which has been paid into the Customs House under Rule 11, shall be produced by such importer together with the tobacco mentioned in such pass before the Officer in charge of every Excise station situate on his line of march until he reaches his shop or passes a distance of ten miles from the nearest Travancore frontier.

Importer paying duty at the Customs House bound to produce pass at Excise stations.

69. Every Officer in charge of an Excise station before whom a transport pass and the tobacco covered by it are produced under the last preceding Rule, shall examine such pass and tobacco and shall endorse on the back of the pass the fact of the production of such tobacco and the time when it was produced. He shall sign and date such endorsement and deliver the pass to the importer without any delay whatever.

Officers in charge of Excise stations to endorse passes produced before them.

70. The transport of tobacco by the British Post is prohibited.

Transport by the British Post prohibited.

71. Nothing in these Rules shall be deemed to interfere with any of the provisions in the Rules prescribed under G. O. No. S. R. 8106, dated the 1st December 1909, passed for regulating the transport of tobacco and other articles from one part of Travancore to another through intervening Cochin territory and from one part of the Cochin State to another through intervening Travancore territory.

These Rules not to interfere with the Interstatal Rules prescribed by G. O. No. S. R. 8106, dated the 1st December 1909.

CHAPTER VII.

Disposal of Tobacco and other articles ordered to be confiscated.

72. Whenever the confiscation of any tobacco is ordered under the Tobacco Regulation, I of 1087, the Officer ordering such confiscation, unless he is an Officer of the Excise Department, shall, as soon as the period of appeal prescribed by law against such order of confiscation expires, call upon the Excise Inspector in charge of the nearest Range to take delivery of such tobacco. The tobacco shall be duly weighed before such delivery and a receipt obtained from such Inspector. The Officer who ordered the confiscation shall give an intimation in writing to the Excise Officer in charge of the Circle within the limits of whose jurisdiction the offence relating to the tobacco was committed, informing such Officer of the fact of such delivery, the date of delivery and the quantity delivered.

Tobacco ordered to be confiscated be delivered to Excise Inspector.

73. The Excise Officer in charge of such Circle shall, in case such tobacco has been delivered to the Excise Inspector in charge of a Range situate within another Circle, arrange for such tobacco being duly taken charge of and brought to his office He shall likewise arrange for all confiscated tobacco taken charge of by Excise Inspectors under him also being brought to his office. All tobacco so brought to such Circle office as well as all tobacco and other articles, if any, the confiscation of which has been ordered by him under Clause (2) of Section 29 of Regulation I of 1087, shall be duly taken care of in his office until they are sold by him and the proceeds of the sale remitted into the treasury.

Such tobacco to be taken care of in Circle office until sale.

74. Officers in charge of Circles who have confiscated tobacco and other articles, if any, ready for sale under the last preceding Rule, shall hold an auction sale in the first week of every quarter after due publication of the notice of such sale. In cases

Officer in charge of Circles to hold public auctions once every quarter.

where the estimated value of the property sold exceeds rupees two hundred, such sale shall be subject to confirmation by the Excise Commissioner.

75. Nothing in Rule 73 or 74 shall be deemed to prevent the Excise Commissioner from directing any boat ordered to be confiscated being reserved for the use of the Department.

Excise Commissioner may reserve boats for departmental use.

76. The provisions contained in Rules 72, 73 and 74 shall also apply to all boats and their appurtenances the confiscation of which has been ordered by a Criminal Court.

Rules 72, 73 and 74 shall also apply to boats confiscated by Criminal Courts.

CHAPTER VIII.

Rewards.

77. Rewards may be granted to—

Persons to whom rewards may be granted.

i. informers;

ii. persons who have seized or who have actually co-operated in a seizure of property liable to confiscation under the Tobacco law or who have otherwise actively contributed to the detection of offences and the conviction of offenders under the said law;

iii. officers not above the rank of Inspectors who successfully prosecute cases of exceptional difficulty.

78. For the purpose of Rule 77,—

Definition of "informer" and of "a person actually co-operating in a seizure."

an "Informer" means the original informant and does not include any person who performs the function of communicating second-hand any information received from another person;

persons are said to be "actually co-operating in a seizure," when they belong to the party organised to make it, and are at the time of the seizure, if not present when it is effect d, actively engaged in watching houses or in patrolling other localities to prevent the escape of the offenders or in passing from one detachment of the party to another to secure the vigilance of all.

79. When a confiscation has been ordered in a case in which tobacco alone has been captured, the amount of the reward shall not exceed one half of the value of the confiscated tobacco, minus the duty chargeable thereon, and when the confiscation is ordered in a case in which both tobacco and offenders have been captured, the amount of the reward shall be the value of the full quantity confiscated, minus such duty.

How the amount of the reward is to be calculated.

80. The value of confiscated tobacco shall, for the purpose of these Rules, be calculated according to the quality of the article, the maximum value not exceeding the following rates :—

How the value of confiscated tobacco should be calculated for purposes of reward.

[Coimbatore tobacco—8 chuckrams per pound.

Tinnevelly do. dry— do.

Do. do. confected—6 chuckrams per pound.

Jaffna tobacco—15 chuckrams per pound.] (a)

81. In cases where no tobacco has been ordered to be confiscated by a competent authority, no reward shall be granted except with the previous sanction of the Government.

Sanction of Government required for granting reward when no tobacco is confiscated.

82. It shall be competent for the Excise Commissioner to grant rewards in such proportion as he may think fit to the persons described in Rule 77, provided that the aggregate amount of the rewards granted in any one case shall not exceed rupees one hundred. He shall obtain the sanction of the Government for rewards exceeding rupees one hundred in any one case.

Excise Commissioner may sanction rewards up to Rs. 100.

83. It shall be competent for the Excise Commissioner to incur, at his descretion, an expenditure not exceeding rupees thirty five in each case for the employment of informers or for any purpose connected with the prevention or detection of tobacco smuggling or of any other offence against the Tobacco law, provided that the aggregate expenditure incurred in one year under this head does not exceed rupees two hundred.

Special service fund or Excise Commissioner.

84. In cases subject to appeal, no reward shall be granted unless the appeal, if preferred, has been disposed of, or where no appeal has been preferred, until the expiration of the period fixed for appeal.

No reward to be sanctioned until expiration of appeal period or disposal of appeal.

85. No reward shall be granted when a conviction has been quashed on appeal and the Appellate Court is of opinion that the evidence for the prosecution is false.

No reward to be granted when Appellate Court quashes conviciton and declares evidence to be false.

86. Rewards shall, as far as practicable, be granted within 30 days from the date of the order of confiscation in cases not subject to appeal, and in cases subject to appeal, within one month from the date of the appeal decision or the expiration of the period of appeal, as the case may be.

Rewards when to be granted.

(a) The rates were raised from 7, 5 and 12 chuckrams respectively by Notifn. No. 1558 dated 2nd August 1924.—*T. G. G., dated 12-8-1924, Pt. IV, Excise Dept., P. 283.*

87. No reward shall be granted to an Officer who is above the rank of an Excise Inspector. Reward shall be granted to an Excise Inspector only in cases in which the authority granting the reward is satisfied that a service of special merit or an act of commendable bravery has been performed by such Inspector in respect of the prevention or detection of an offence or that he has successfully conducted the prosecution in a case of exceptional difficulty.

Rewards to Excise Inspectors.

88. Rewards may be granted before the actual sale of the tobacco or other articles ordered to be confiscated and the crediting of the proceeds thereof to the Government.

Rewards may be granted before sale of confiscated tobacco.

89. Whenever a reward is to be granted under Rule 77, the Officer in charge of the Circle shall, as soon as the period mentioned in Rule 86 in regard to a case detected within the limits of his jurisdiction has expired, forward to the Excise Commissioner in such Form as the latter may prescribe in this behalf, a statement of the case as also a recommendation respecting the reward to be granted. On receipt of such statement the Excise Commissioner may pass such orders as he may deem fit under Rule 82 or make his own recommendation to the Government in case he is not competent to pass any orders under the said Rule.

Procedure by Officers for the grant of rewards.

CHAPTER IX.

Miscellaneous.

90. Powers granted under these Rules to any Officer of the Excise Department may be exercised by any other Excise Officer to whom the former Officer is subordinate.

Powers of Superior Officers.

91. Appeals from the decision of an Excise Inspector under these Rules shall lie to the Officer in charge of the Circle to whom such Inspector is subordinate, and appeals from the original orders of Excise Officers in charge of Circles shall lie to the Excise Commissioner, and appeals from the original orders of the Excise Commissioner shall lie to the Government, provided that the appeal in each case is preferred within thirty days from the date of the order appealed against and is accompanied by a copy of such order.

Appeals.

92. It shall be competent for the Excise Commissioner to prescribe the registers and accounts the maintenance of which in institutions under his control he deems necessary for the general carrying out of these Rules and also the Forms for such

Excise Commissioner to prescribe registers, accounts and Forms.

registers and accounts and for the registers and accounts, returns, passes, permits, applications, &c., described in these Rules.

93. These Rules shall come into force on the 1st Chingom 1089.

Date on which the Rules come into force.

GOVERNMENT NOTIFICATIONS.

(1)

Appointment of Superior Officers.

(Dated the 5th July 1913.)

In exercise of the powers conferred by Section 11, Clause (*c*), of Regulation I of 1087, it is hereby notified, under sanction of His Highness the Maha Raja, that Assistant Excise Commssioners and Circle Officers are appointed for the purpose of the said Clause to be superior Officers within the limits of their respective jurisdictions.—*T. G. G., dated 8-7-1913, Pt. I, P. 1166.*

(2)

Summoning of Witnesses.

(Dated the 5th July 1913.)

In exercise of the powers conferred by Section 15 of Regulation I of 1087, it is hereby notified, under sanction of His Highness the Maha Raja, that no Excise Officer shall summon any person under the said Section to appear before him as a witness at a greater distance than forty miles from the usual place of residence of such person.—*T. G. G., dated 8-7-1913, Pt. I, P. 1165.*

(3)

Powers of Sub-Inspectors *re* Bail.

(R. Dis. No. 242 dated 2nd February 1923.)

In exercise of the powers reserved to Government by Section 6 of the Tobacco Regulation, I of 1087, the Sub-Inspectors of the Excise Department are empowered to admit on bail persons arrested under the said Section to appear, when summoned or otherwise directed, before an Excise Officer having jurisdiction to enquire into the offence for which such persons have been arrested.—*T. G. G., dated 6-2-1923, Pt. IV, Excise Dept., P. 447.*

(4)

Powers of Sub-Inspectors *re* Search.

(R. Dis. No. 242 dated 2nd February 1923.)

In exercise of the powers vested in the Dewan by Section 5 of the Tobacco Regulation, I of 1087, it is hereby notified that the Sub-Inspectors of the Excise Department are authorised to search houses, &c., and to exercise such other powers as are provided for in the said Section.—*T. G. G., Ibid.*

REGULATION II OF 1087.[a]

THE REGISTRATION REGULATION.

CONTENTS.

Preamble.

PART I.

Sections.

Preliminary.

1.	(1) Short title	1
	(2) Commencement.	
2.	Repeal of Regulation	93
3.	Definitions	2
	(1) "Addition."	
	(2) "Book."	
	(3) "District and "Sub-District."	
	(4) "Endorsement" and "Endorsed."	
	(5) "Immovable property."	
	(6) "Lease."	
	(7) "Minor."	
	(8) "Movable property."	
	(9) "Representative."	

PART II.

Of the Registration Establishment.

4.	Director of Registration	3, 69
5.	Districts and Sub-Districts	5
6.	Registrars and Sub-Registrars	6
7.	Absence of Sub-Registrar or Registrar from his Sub-District or District or vacancy of his office	10, 13
8.	Seals	15
9.	(1) Register-books	16
	(2) Forms.	
	(3) Fire-proof boxes. Custody of records.	

The figures on the right refer to the corresponding Sections of the Indian Registration Act, XVI of 1908, as amended by Acts passed in the years 1914, 1917 and 1920.

(a) Amended by Regulation II of 1098.

PART III.
Of Registrable Documents.

Sections

10.	Documents of which registration is compulsory ...	17
11.	Documents of which registration is optional	18
12.	Documents in language other than Malayalam or Tamil ...	19
13.	Documents containing interlineations, blanks, erasures or alterations	20
14.	Description of property	21, 22
	Documents containing maps or plans.	

PART IV.
Of sending to a Registration office Memoranda of Decrees and Orders affecting immovable property.

15.	Memorandum of decree or order affecting immovable property.	

PART V.
Of the Time of Presentation.

16.	Time of presenting documents	23, 24, 26
17.	Provision where delay in presentation is unavoidable ...	25
18.	Provision where office is closed on last day of period for presentation.	
19.	Will may be presented or deposited at any time ...	27

PART VI.
Of the Place of Registration.

20.	Place for registering instruments relating to land ...	28
21.	Place of registering other instruments	29
22.	Place of registering decrees or orders not affecting immovable property.	
23.	Registration by the Sub-Registrars at the head-quarters of Districts	30
24.	Registration or acceptance for deposit at private residence ...	31

PART VII.
Of presenting Documents for Registration.

25.	Persons to present documents for registration ...	32
26.	Powers-of-attorney recognisable for purposes of Section 25 ...	33
	Proviso as to persons infirm or in Jail or exempt from appearing in Court.	

Sections.

27. Enquiry before registration by Registering Officer ... 34
28. Procedure on admission of execution 35
Procedure on denial of execution.

PART VIII.

Of Enforcing the Appearance of Executants and Witnesses.

29. Procedure where appearance of executant or witness is desired 36
30. Munsiff to issue and cause service of summons ... 37
31. Persons exempt from appearance at Registration Office ... 38
32. Law as to summonses and witnesses 39

PART IX.

Of presenting Wills.

33. Persons entitled to present Wills 40
34. Registration of Wills 41

PART X.

Of the Deposit of Wills.

35. Deposit of Wills 42
36. Procedure on deposit of Wills 43
37. Withdrawal of sealed cover deposited under Section 35 ... 44
38. (1) Procedure on death of depositor 45
(2) Re-deposit.
39. Production of a Will before any Court 46

PART XI.

Of the Effects of Registration and Non-registration.

40. Time from which registered document operates ... 47
41. Registered document relating to property when to take effect against oral agreements 48
42. Effect of non-registration of documents required to be registered 49

PART XII.

Of the Duties and Powers of Registering Officers.

A.—The Register Books and Indexes.

43. Register Books to be kept in the several offices ... 51
44. (a) Endorsements on document presented 52
(b) Receipt for document.
(c) Documents admitted to registration to be copied.

Sections.

45. Entries to be numbered consecutively 53
46. Current Indexes and entries therein 54
47. Indexes to be made by Registering Officers 55
Extra particulars in Indexes.
48. (1) Copy of entries in Indexes, Numbers I, II and IV, to be sent to the Registrar 56
(2) Such copy to be filed in Central Record Office.
49. Registering Officers to allow inspection of certain Books and Indexes and to give certified copies of entries ... 57

B.—The procedure on admitting to registration.

50. Particulars to be endorsed on documents admitted to registration 58
51. Such endorsement to be dated and signed by Registering Officer 59
52. Parties to sign their names in full.
53. Certificate showing that document has been registered and number and page of book in which it has been copied ... 60
54. (1) Endorsements and certificates to be copied.
(2) Document to be returned 61
55. Procedure on presenting document in language other than Malayalam or Tamil 62
56. Power to administer oaths 63
57. Record of substance of statements.
58. Such statements admissible as evidence.

C.—Special Duties of Sub-Registrars.

59. Procedure on registration of document relating to land situate in several Sub-Districts 64, 66
60. Procedure on registration under Section 23 ... ... 65, 67

D.—The Control of the Registration Department.

61. Registrar to superintend and control Sub-Registrars. ... 68
62. Director to superintend and control Registering Officers ... „
63. Power of the Director of Registration to remit fees or penalties 70
64. Dewan's power to make Rules 69

PART XIII.

Of Refusal to Register.

65. Reasons for refusal to register to be recorded ... 71
66. Power to reverse or alter orders of Sub-registrar refusing registration on ground other than denial of execution ... 72

Sections.
67. Application where Sub-Registrar refuses to register on ground of denial of execution 73
68. Procedure of Registrar on such application 74
69. Order to register and procedure thereon 75
70. Refusal by Registrar 76
71. Suit in case of refusal 77

PART XIV.

Of the Fees for Registration, Searches and Copies.

72. (1) Fees to be fixed 78
(2) Alteration of fees.
73. Publication of fees 79
74. Fees and penalties payable on presentation and to be credited to Government 80

PART XV.

Of Penalties.

75. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure ... 81
76. Penalty for certain other offences 82
(*a*) Making false statement before a Registering Officer.
(*b*) Delivering false copy or translation.
(*c*) False personation.
(*d*) Abetment of offences under this Regulation.
77. Registering Officer may commence prosecutions ... 83
78. Registering Officers to be deemed public servants ... 84

PART XVI.

Miscellaneous.

79. Destruction of unclaimed documents 85
80. Registering Officer not liable for anything *bona fide* done or refused in his official capacity 86
81. Nothing so done invalidated by defect in appointment or procedure 87
82. Registration of instruments executed by Government Officers or public functionaries 88
83. Exemption of certain documents executed by or in favour of Our Government 90,91
84. Certificates under Civil Procedure Code 89 (2)

REGULATION II OF 1087.

A Regulation to amend the law relating to the Registration of Documents

Passed by His Highness the Maha Rajah of Travancore on the 7th October 1911 corresponding with the 21st Kanni 1087, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to amend the law relating to the registration of documents; It is hereby enacted as follows:—

Registration Law and System.—(1) In the year 1025 M. E. (1849-1850), a Regulation, I of that year, was passed reducing the number of Munsiffs from twenty-five to sixteen, and relieving those Officers of the duty imposed on them by Regulation III of 1010, and also better regulating the numbering and issue of stamped cadjans. Sections 12 to 14 of that Regulation were as follows:—

"Sec. 12. (1) The Rule hitherto in force relative to stamped cadjans required for executing deeds and other documents provides that such cadjans should be procured by the Zillah Courts and furnished to the Public Notaries; but as the residences of the Public Notaries are in many cases distant from the respective Zilla Court stations, whereby not only parties are subjected to delays in obtaining stamped cadjans and complaints are thus occasioned, but the Notaries experience difficulty in furnishing monthly to the respective Zilla Courts the accounts of the stamped cadjans issued by them and in duly remitting the amount collected on the same, the above said Rule is hereby rescinded. (2) And it is hereby enacted that the Zilla Courts shall obtain the requisite number of stamped cadjans from the Appeal Court and furnish them to the respective Munsiffs to whom the Public Notaries shall apply for such number of stamped cadjans as may be required by them, and the Notaries shall, after executing the requisite documents thereon agreeably to established rule and usage, furnish such documents to the applicants and receive the Notary's fee for the same. (3) The Notaries shall also prepare accounts as above mentioned and forward the same monthly together with the collection on the stamps to the Munsiffs. (4) Should the Public Notaries be found to act in contravention of the foregoing Rules, the Munsiffs shall impose on them a fine not exceeding two fanams each in a month.

"Sec. 13. If on parties applying to the Public Notaries for the execution of deeds and other documents on stamped cadjans, the Notaries should raise any unnecessary objections and thereby cause delays instead of making the requisite enquiries immediately and executing the documents, the applicants shall report the circumstance to the respective Munsiffs who shall thereupon call before them the Notaries who may have acted as above, and institute a summary enquiry, and if the information against the Notaries be established, the Munsiffs shall punish the Notaries so offending with a fine at their discretion not exceeding three rupees each, and in default of payment of the same, with imprisonment in like manner as other parties failing to pay fines are dealt with.

"Sec. 14. As the practice which has obtained hitherto of making stamped cadjans with a number continued unbroken year after year from the time in which stamps were introduced, tends in lapse of time, from the excess to which the number attains, to create confusion and occasion errors, it is now enacted that stamped cadjans shall bear a new series of numbers from the commencement of every year, and those remaining undisposed of at the end of each year shall be returned to the respective Zilla

Courts for transmission to the Appeal Court who shall cause the same to be destroyed, and cadjans stamped and numbered for the ensuing year to be furnished to the Munsiff."

(2) Thus, the old system of Registration of Assurances provided a regular agency of Village Notaries who derived their appointments from, and acted under, the orders of the Sadr Court. Their number was unlimited. They were remunerated not by salaries, but by fees levied upon the instruments which they registered and which had to be drawn up by themselves and to be transcribed for registry. The stamped cadjans were supplied to them through the Munsiff Courts and were sold at certain fixed rates, the proceeds being credited to the State. The Village Registrars (or Oorkanakkans) had power to make summary enquiries into objections against the execution of the deeds, and to refuse registration in case they were deemed valid. They were also prohibited from registering whenever they found that the Sirkar had liens on the property, such as for arrears of revenue, or had them already under attachment, or that they were Service or Personal Inam tenures. The revenues under the system did not average more than Rs. 1,200, as unstamped documents were not invalid, but were only subjected to a penalty of three per cent. on value when produced before a Court or other authority. This unpaid agency did not work either to the profit of the State or to the satisfaction of the public, and the latter were subjected to much annoyance, delay and extortion.— *A. R. 1048-49.*

(3) Though it was a long-established system and was well understood by the people, it was defective in many respects and it left registration or non-registration in all cases to the option of the parties to the deed. As the system was found unsatisfactory and cumbersome, a Regulation (I of 1042) was passed on the lines of the British Indian Registration Act XX of 1866 and it came into force in 1043 M. E. Under this, the Registrars became paid servants of the State, divided into four classes with reference to the quantity of work of the various Districts. The work of the District Registrars was checked and controlled by a Central Office at the head of which was the Huzur Registrar.— *A. R., 1042 and 1043.*

(4) Later, an amending Regulation, III of 1052, was passed, under which, among other things provided for, the time for registering a document executed out of India was extended from three to six months, and documents executed in English were allowed to be registered in the Trivandrum Office irrespective of the place of execution or the situation of the property embraced therein. *A. R., 1052.*

(5) As the working of the Regulation brought to light defects and difficulties, it became highly necessary to amend the law. The British Indian Act of 1866 had been superseded by Act III of 1877 which was further amended by Act XII of 1879. So in 1070 M. E., a law on the lines of these Acts was passed as Regulation I of that year, and it repealed the previous Regulations. Its features were summarised in the statement appended to the Bill; and extracts from it are sub joined:—

"2. The main amendments proposed are the classification of the existing Registry offices into Districts and Sub-Districts; the introduction of the British Indian System of the Deposit of Wills in Registry offices; the conferring of discretionary power on Registering officers in the matter of recording the statements of witnesses examined by them; the abolition of special registration of appeals to the Huzur Registrar against the orders passed by his subordinates refusing registration of documents, and of the system of filing memoranda of decrees or orders relating to immovable property sent by the Civil Courts; and the conferring of the effect and validity of registered deeds, materially to the advantage of the public, on certain classes of public documents even though unregistered, the publicity attending their execution being a sufficient guarantee for their authenticity (see Sec. 83).

"3. At present, each Taluk has a District Registrar and important Taluks have, in addition, additional Registrars. It is now proposed, for the sake of better working and control, to classify the existing Registry offices as Districts and Sub-Districts, and to invest District Registrars with higher powers than those to be exercised by Sub-Registrars; such powers being to register or order the registration of a document whose execution is denied, to receive sealed covers containing Wills, for deposit and safe custody, and to hear and decide appeals preferred against the orders of Sub-Registrars refusing registration of a document on any ground other than that its execution was denied.

"4. Wills were unknown or scarce in Travancore when Regulation I of 1042 was passed. That Wills are becoming popular, may be gathered from the increasing number of Wills registered during the last 10 years. The publicity which the Registration gives to their contents often acts as a check upon the Will making propensity. The deposit of Wills has the rare merit of not only placing the authenticity of Wills beyond doubt but also securing the secrecy which the testator naturally wishes to maintain, regarding their contents until his death. Its introduction is, therefore, highly desirable.

"5. A great portion of the time of Registering officers is now occupied in reducing to writing the examination of witnesses to the *identity* of the executants of documents presented for registration. At the time of the introduction of the Registration Regulation, it was thought desirable, in the interests of security and to prevent false personation, that the examination of witnesses in all such cases should be recorded by the Registering officer. But with the advance of the times, the growth in the intelligence of the people and the improvement in the status of Registering Officers, it has become unnecessary to continue the existing practice which entails a great waste of time and delay in the registration of deeds without producing corresponding benefit. When execution is admitted and the endorsement is signed by the party admitting execution and when witnesses are examined merely with reference to the *identification* of the parties appearing, the prescribed endorsement is itself a sufficient record. It is not desirable, however, to do away with the practice altogether. In the generality of cases, the record of the examination of witnesses may be dispensed with. In certian special cases, however, the present practice has to be retained. There are also other enquiries connected with registration in which it will be necessary to record the statements of parties and witnesses in full. The cases in which it is proposed to retain the present practice are the following:—

(*a*) When execution is denied.

(*b*) When a person admitting execution refuses to sign the endorsement.

(*c*) When any enquiry is held as to the death of a deceased executing party.

(*d*) When any enquiry is held as to the right of any person to appear as the executor, administrator or heir of a deceased person or as the guardian of an infant, or as the curator of a lunatic or idiot.

(*e*) When any enquiry is held as to the age of any person appearing to be a minor or the sanity of any person appearing to be a lunatic or an idiot.

(*f*) When any enquiry is held as to the addition of any person, owing to the addition not appearing either in the document or in the endorsement.

(*g*) And generally in all cases in which a record may seem necessary.

Special registration has been abolished in British India and it is proposed to abolish it here also. The number of documents specially registered has averaged only up to 29 per year. The procedure of the Courts in suits on specially registered documents is wholly *ex parte*. The decree passed on a specially registered document being enforcible *only* against the executant, a resort to a

regular suit becomes necessary whenever the decree is to be obtained against the co-parceners or representatives of the executant. This circumstance has rendered the provisions relating to the enforcement of specially registered documents, practically useless. It is, therefore, deemed not desirable to retain the provisions, relating to special registration.

"6. The present system of preferring appeals to the Huzur Registrar in cases of refusal to register, has been productive of hardship and inconvenience to parties who have to come to Trivandrum from distant places. The subsequent appeals to the District Court, the decision of which is not final, is a great anomaly.

Under the present law, the order of a District Judge passed on an appeal against the order of the Huzur Registrar, directing the registration of a document, can be set aside by a Munsiff in a regular suit. To obviate the above anomaly and inconvenience and afford facility to the public, it is found desirable to allow the parties to prefer their appeals direct to the District Registrars, whose offices are located at centres within easy reach of the parties concerned. Persons dissatisfied with the orders of the District Registrars may, under the ordinary law, establish their right by resorting to the Civil Courts which are also very near to them.

The public will be advantageously placed in the matter of appeals by the proposed amendment and saved considerable expense, delay and annoyance in obtaining the necessary relief. * * * ."—*S. O & R.*

(6) Regn. I of 1070 was sought to be amended by a Bill which proposed mainly (*a*) to create a superior class of Officers for registering documents at Head-quarters by investing District Registrars with the work of original registration and reducing the District Registrar's tours of inspection to the necessary limits consistent with a sufficient quantity of work at Head-quarters, and (*b*) to require only a single copy, in the place of two copies, being furnished along with documents, to be registered, in cases in which such documents were not written either in Malayalam or Tamil. When the amending Bill was introduced in the Council and its principle discussed, the general view of the Council was for re-enacting the Regulation with all the modifications that might be found necessary.—

L. C. P., dated 11-5-1908.

Accordingly, permission was obtained subsequently to amend and consolidate Regn. I of 1070, which led to the passing of the existing law.

Regn. II of 1087: I. *Objects and Reasons.*—"The most important feature of this Bill is the proposal to do away with the present Rule (Sec. 25 of the Regulation) that every document presented for Registration shall be accompanied by a true copy of the same. Regn. I of 1070 was modelled on the corresponding British Indian Act III of 1877. But the practice of requiring duplicate copies is no part of that Act. However necessary or beneficial it might have been deemed at the time of its introduction, the working of the last several years has shown that the disadvantages of the system outweigh far any benefit derivable from it. It retards the process of registration, entailing unnecessary trouble both to the registering officers and the public. Moreover, the new form of Index No. 2, recently introduced by Government at the suggestion of the Director, which embodies all the material parts of the document and which is to be preserved in safe custody at a central record office, is amply sufficient to secure all the advantages of the rule in question. The system of making thumb impressions of the executants of documents with their signatures also materially helps in the same direction.

2. "How expensive in the aggregate the 'copy' system is to the public may be seen from the fact that the sale proceeds of printed forms in 1083 together with the scribe's fees borne by the parties amounted to more than half a lakh of rupees. It is therefore

PART I.

Preliminary.

1. (1) This Regulation may be called "The Travancore Registration Regulation, 1087".

Short title.

(2) It shall come into force on the 1st day of Vrischikom 1087.

Commencement.

2. (1) On and from that day, Regulation I of 1070 shall be repealed.

Repeal of Regulation.

(2) But all appointments, Notifications, Rules, and orders made, and all Districts and Sub-Districts formed, and all Offices established, and all Tables of fees prepared under the Regulation hereby repealed, shall be deemed to have been respectively made, formed, established and prepared under this Regulation, except in so far as such Rules and orders may be inconsistent herewith.

(3) References made in Regulations passed before the 1st day of Vrischikom 1087 to the Regulation hereby repealed shall be read as if made to the corresponding Sections of this Regulation.

3. In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Addition" means the place of residence and the profession, trade, rank and title, if any, and the religion, race or tribe, of a person described, and, in the case of a

"Addition".

---

proposed to abolish the practice with a view to save expenditure and trouble to the public and to facilitate the work of Registration Offices.

3. The other modifications * * * are proposed with a view to afford greater facilities to the public in getting their documents registered and to curtail departmental work by simplifying the procedure of registration."— *S. O & R.*

II. Permission to introduce the Bill was applied for and granted at the meeting of the Council held on 2-6-1909 (*T. G. G., dated 15-6-1909*). The Bill was published in the Gazette dated 24-8-1909, introduced in the Council and referred to a Select Committee on 26-11-1909 (*T. G. G., dated 7-12-1909*). The Committee's Report was published on 26-4-1910. At the meeting of the Council held on 30-5-1910 (*T. G. G., dated 7-6-1910*), the Bill was recommitted to another Select Committee, as the permanent Head of the Registration Department was not a member of the former Committee. The permanent Head was also put in charge of the Bill. The Report of the second Committee was published on 26-7-1910, and was presented to, and considered by, the Council on 12-9-1910 (*T. G. G., dated 27-9-1910*). The Bill was finally read and passed on 1-9-1911 (*T. G. G., dated 19-9-1911*). The Regulation was published in the Gazette dated 10-10-1911.

Regn. II of 1098 : This Regulation has repealed a portion of Clause (*a*) of Sec. 64, see *Infra.*

native of India, his caste, if any, and his father's or karanavan's name, or where he is described as the son of his mother, then his mother's name:

"Book."

(2) "Book" includes a portion of a book and any number of sheets connected together with a view of forming a book or portion of a book:

"District" and "Sub-District."

(3) "District" and "Sub-District" respectively mean a District and a Sub-District formed under this Regulation:

"Endorsement" and "endorsed."

(4) "Endorsement" and "Endorsed" include and apply to an entry in writing by a Registering Officer, on a rider or covering slip to any document tendered for registration under this Regulation:

"Immovable property."

(5) "Immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries, or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

Exception.—Things attached to the earth or permanently fastened to anything which is attached to the earth, when transferred for the purpose of being detached and enjoyed by the transferee, do not come within the meaning of this Section:

"Lease."

(6) "Lease" includes a counterpart, an accepted undertaking to cultivate or occupy, and an agreement to lease:

Sec. 3 (5): The Exception does not find a place in the Indian Act. Regn. I of 1070 contained this Exception which had been proposed by the Select Committee who said:—"We have added an Exception to the definition of immovable property so as to bring within the definition of movable property, buildings sold without the site on which they stand, under an agreement that they shall be removed and utilized by the vendee. Things attached to the earth become movables, the moment they are detached. In the case above given, the parties deal with things attached to the earth, as if they were really detached."—*S.C.R., Pr. 5.*

Case Law.

The definition of the term 'immovable property' as given in the Regulation does not include mere decrees for sale of immovable property and a deed of assignment of such decrees need not be compulsorily registered.

16 T. L. R., 43.

Ref.—42 T. L. R., 348.

Sec. 3 (6): The Indian Act has simply "an undertaking to cultivate or occupy." The definition in the Regulation is that of Regn. I of 1070 in which the word "accepted" was inserted by the Select Committee "as a simple undertaking does not amount to a contract."— *S. C. R., Pr. 4.*

(7) " Minor " means a person who has not completed the age of eighteen years, except in the case of authorities to adopt, in which a minor shall be taken to mean a person who, according to the personal law to which he is subject, has not attained majority :

" Minor. "

(8) "Movable property " includes standing timber, growing crops and grass, fruit upon, and juice in, trees, and property of every other description except immovable property :

" Movable property."

(9) " Representative " includes the guardian of a minor, a lunatic or an idiot.

" Representative. "

PART II.

Of the Registration Establishment.

4. The general supervision and control over all Registration Offices in Our territories, shall be exercised by an Officer to be appointed by Our Government and styled " Director of Registration ".

Director of Registration.

5. (1) For the purpose of this Regulation, Our territories shall, with Our sanction, be divided into Districts and Sub-Districts, and their limits may, from time to time, be altered with such sanction.

Districts and Sub-Districts.

(2) The Districts and Sub-Districts formed under this Section together with the limits thereof, and every alteration of such limits, shall be notified in the Government Gazette.

Sec. 3 (7): (1) This was also the definition in Regn. I of 1070. In framing this definition, the Select Committee said :— " No two personal laws are agreed as to the age of minority. Except in the case of authorities to adopt which is in a manner connected with religion, we see no objection to the application of one and the same standard of the age of minority to all classes of His Highness' subjects. Following the Limitation Regulation, we have taken 18 years as the age of minority. In the case of authorities to adopt, the personal law of the donor will determine such age."— *S. C. R. Pr. 6.*

(2) The definition in the Indian Act is: —" Minor " means a person who, according to the personal law to which he is subject, has not attained majority.

Sec. 3 (9): Under the Indian Act, ' Representative ' includes the guardian of a minor *and the committee or other legal curator of* a lunatic or idiot. The words italicised were omitted in the absence " of a law under which such committee or curator was appointed. There will of course be a guardian to watch the interests of a lunatic or idiot."— *S. C. R., Pr. 7.*

(3) Every such alteration shall take effect on such day, after the date of the Notification, as is therein mentioned.

Registrars and Sub-Registrars.

6. (1) Every District shall be in charge of an Officer styled "Registrar," and every Sub-District, in charge of an Officer styled "Sub-Registrar."

(2) Appointments of Registrars and Sub-Registrars shall be made by Our Government, and shall be notified in the Government Gazette, except in the case provided for in Section 7 of this Regulation.

Absence of Sub-Registrar or Registrar from his Sub-District or District or vacancy of his office.

7. (1) When any Sub-Registrar is absent, whether on duty or otherwise, or when his office is temporarily vacant, the senior clerk in the office shall be *ex officio* Sub-Registrar of that office till relieved; and for the purposes of Section 175 of the Criminal Procedure Code, such senior clerk doing duty as *ex officio* Sub-Registrar shall be considered to be a person not removable from his office without the sanction of Our Government.

(2) When any Registrar is absent or when his office is temporarily vacant, the local Sub-Registrar, till relieved, shall perform, during such absence, all the duties of a Registrar, except those mentioned in Sections 66 and 67.

(3) Any change of charge mentioned in paras (1) and (2) of this Section shall be immediately reported to the Director of Registration.

Seals.

8. The Director of Registration, the Registrars and Sub-Registrars, shall use a seal bearing the device of "Our Coat of Arms" and the following inscription in English and Malayalam or Tamil :—

"The seal of the Director of Registration, Travancore, or of the Registrar or Sub-Registrar of......... ...."

Register books.

9. (1) Our Government shall provide, for the office of every Registering Officer, the books necessary for the purposes of this Regulation.

Sec. 7 (1): The words—"the senior clerk in the office......sanction of Our Government"—were put in by the second Select Committee, on the suggestion of the Director of Registration. "It is calculated to avoid the hardship and inconvenience arising from the indiscriminate prosecutions of Head Clerks of Sub-Registry Offices for acts done by them whilst acting as Sub-Registrars."— *S. C. R.*

TRIVANDRUM PUBLIC LIBRARY

Forms.

(2) The books so provided shall be in the Forms prescribed by Our Government, and the pages of such books shall be consecutively numbered in print and stamped with the seal of the Director of Registration, and the number of pages in each book shall be certified on the title-page by the Officer by whom such books are issued

Fire-proof boxes. Custody of records.

(3) Every Office of a Registrar shall be provided by Our Government with a fire-proof box. Suitable provision shall be made by Our Government for the safe custody of records connected with the registration of documents in Registration Offices.

PART III.

Of Registrable Documents.

Documents of which registration is compulsory.

10. (1) The following documents shall be registered, if they have been executed on or after the date on which Regulation I of 1042 or Regulation III of 1052 or Regulation I of 1070 or this Regulation came or comes into force, namely,—

(a) non-testamentary instruments which purport or operate to create, declare, assign, limit, extinguish or surrender, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immovable property;

(b) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, extinction or surrender of any such right, title or interest; and

(c) leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent.

(2) nothing in Sub clauses (a) and (b) of this Section applies to—

(i) any composition deed; or

(ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immovable property; or

(iii) any endorsement upon or transfer of any debenture issued by any such Company; or

(iv) any document not itself creating, declaring, assigning, limiting, extinguishing or surrendering any right, title or interest to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit, extinguish or surrender any such right, title or interest; or

(v) decrees or orders of Courts and awards.

Sec. 10 : (1) *Sub-Sec.* (1), *Clause* (*a*). – In the place of this Clause, the Indian Act has the following :—"(*a*) *instruments of gift of immovable property;* (*b*) *other non-testamentary instruments which purport...or extinguish, whether in present...title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property.*"

Clause (*b*): The words "or surrender" do not occur in the corresponding Clause in the Indian Act.

(2) *Sub-Sec.* (2): (1) In Sec. 17 of the Indian Act, this Sub-section is as follows :—"(2) Nothing in......(i) any composition deed ; or (ii) any instrument......property ; or (iii) *any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered document whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ;* or (iv) any endorsement upon......any such Company ; or (v) any document not itself... ...extinguishing any right, title or interest *of the value of one hundred rupees and upwards* to or in immovable property, but merely creating......limit, or extinguish any such right, title or interest ; *or* (vi) *any decree or order of a Court and any award ; or* (vii) *any grant of immovable property by Government ; or* (viii) *any instrument of partition made by a Revenue Officer ; or* (ix) *any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883 ; or* (x) *any order granting a loan under the Agriculturists Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act ; or* (xi) *any endorsement on a mortgage deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage ; or* (xii) *any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer.*

Authorities to adopt a son, executed after the first day of January 1872 and not conferred by a Will, shall also be registered."

See Sec. 83 *Infra.*

(2) Of the Clauses of Sub-Sec. (2) of the Indian Act, given above, Clause (xi) relates to endorsements on mortgage deeds *re* payment of mortgage money. A proposal was made to insert this Clause in the Bill which became Regulation I of 1070, when it was under consideration by the Council. But the amendment was lost by a narrow majority, after a protracted discussion. In view of the importance of the principle of optional registration involved and its bearing on the decision of a case noted *infra*, the debate is briefly summarised below. The Official Member in charge (the Chief Justice) in moving the addition of the above Clause as Clause (6), said :—"The usual mode of acknowledging payment in part or whole, made towards the discharge of a debt secured by a hypothecation or mortgage, is to endorse such payment on the document itself. In very few cases, *i. e.*, where the creditor is living at a distance from the place where the debtor lives, receipts are

also obtained. The endorsements and receipts require registration if they are to be used as evidence. But, according to the law of evidence, even a payment evidenced by a document legally inadmissible may be proved by independent oral evidence. If the payment is proved, the debt and with it the collateral security in the form of hypothecation or mortgage are discharged. In other words, the non-registration of the endorsement or receipt does not stand in the way of proving payment or discharge by independent oral evidence. The object of the amendment proposed is simply to make the unregistered endorsements and receipts admissible in evidence, as this step will facilitate the proof of payments by the *direct* evidence of such endorsements and receipts. A debt is often discharged by a number of instalments. If, at each time a payment is made, the parties are required to secure a registered voucher for the same, they will be put to great expense, loss and inconvenience. As matters now stand, no endorsement is ever registered and the registration of receipts is very rare. The loss of revenue to Government in the shape of registration fees on these documents would, I believe, be very small. Considering the great loss and inconvenience to which the public will be put by being required to register these vouchers for payment, often at stations far away from their homes and places of business, the possible sacrifice of a small amount of revenue involved in the passing of this amendment should not be allowed to stand in the way of granting the much needed relief to the parties. It may be said that those who intend to deal with the debtor will have no means of knowing, by reference to the registry of documents, whether a particular encumbrance has been discharged, if the acknowledgments and receipts are not registered. It will be the duty of the applicant for a loan to satisfy his would-be creditor that there are no encumbrances on the property offered as security. The former can easily do this by producing the mortgage deed with the endorsement of discharge thereon or the receipts, as the case may be, and the latter also can ascertain from the person who once held the encumbrance whether it was discharged. Those who deal in good faith will find no difficulty in ascertaining the real truth and protecting their interests. No human law could be expected to guard, under all circumstances, the interests of a person who is culpably negligent."

In opposing the amendment, an Official Member (the Chief Secretary) spoke as follows:—"The chief object of registration is, in the words of Sir Arthur Hobhouse, 'to give certainty to titles and to prevent the operation of fraudulent and secret transactions by which a man's right in the property which he has acquired may be defeated.' The history of legislation on this subject in British India shows a steady, if gradual, extension of the system of registration to all important transactions relating to property, and, if the system is not co-extensive with all transactions, it is due, not to any difference of opinion as to its usefulness, but to the practical difficulty of attaining the object fully. In the course of the discussion on the Registration Amendment Bill which afterwards became Act III of 1877, the Honorable Mr. Bayley observed that he 'did not think anybody would dispute that it was very desirable, if it were possible, that every written instrument which passed in any shape should be registered......The real difficulty was that practically a perfect system of registration would be impossible, at least for very many years to come.' I have quoted these remarks to show that the classification of instruments into compulsory and optional for purposes of registration is not based upon any transcendental or immutable principle, but merely upon considerations of practical convenience. In British India, as we all know, instruments affecting immovable property in which the value of the interest affected is less than 100 Rs. are not compulsorily registrable, whereas, in the Bill before us, all such instruments are brought within the

compulsory group. From the figures given in the last Administration Report, it appears that 60 per cent. of the instruments relating to immovable property presented for registration in 1069 were of value not exceeding 100 Rs. The same will, I believe, more or less be the proportion of such instruments in British India. Why is so large a proportion of instruments excluded from the compulsory class there? Because, I take it, of the practical inconvenience, on administrative, financial and possibly other grounds, of providing the requisite machinery for doing the work without entailing undue hardship on the people. In British India, the average area to a Registry office is 307 square miles against 160 square miles in this country.

"The above considerations will show that the conditions of the two countries, so far as facilities for registration are concerned, are not similar. The question before us, therefore, has to be considered on its own merits. In other words, we have to consider whether the advantages of the proposed measure counterbalance the disadvantages. In the first place, it should be borne in mind that the provision which the amendment is intended to modify has been the law in this country all these years, and it has not been alleged that any complaint has been received about its hardship. The Bill has been before the public for several months and no representation has been received against the provision. On the contrary, a very sensible letter has been received from the Editor of the 'Malankara Edavaga Patrika' and a petition from one Raman Narayanan of Vaikam protesting against the amendment. I would commend to the consideration of the Council the excellent reasons set forth in these papers against the amendment.

"The learned Mover of the amendment gives the following reasons in support of the amendment.

(1) As the payment of a debt evidenced by a document legally inadmissible may be proved by independent oral evidence, and if the payment is proved, the debt and with it the collateral security are discharged, the amendment would only facilitate the proof of payment by the *direct* evidence of endorsements and receipts, which under the existing law would, if not registered, be not admissible.

(2) The provision requiring the registration of such endorsements and receipts would put the parties to great expense, loss and inconvenience.

"In regard to the first point, I beg to observe that as documentary evidence is generally regarded as better than oral evidence, it is important that every possible safeguard should be provided against the creation or fabrication of spurious documents. The law, I believe, does not, in this country, require that transactions relating to immovable property should be in writing. Even oral sales are not unknown. But we all know what poor chance a man whose claim rests on an oral contract has against one whose claim is evidenced by a formal deed. Thus, if a man knows that an endorsement or a receipt if not duly registered will not be received in evidence, he is not, unless he is extraordinarily clever or extremely negligent, likely to take the risk of proving the discharge of the debt by parol evidence. I shall presently show that once the safeguard provided by registration is removed, a wide door will be opened for all manner of spurious and fraudulent transactions. It appears to me therefore expedient that the *direct* evidence of endorsements and receipts, which does not possess the guarantee of genuineness should be altogether excluded.

"I entertain some doubt as to whether proof of payment of the debt operates as an extinguisher of the right created by the mortgage, *i. e.*, as a discharge of the collateral security. In recounting the various ways by which the right secured by a mortgage terminates, one of which is the discharge of the claim to which the right is accessory, Holland observes:—'Under a system of registration it is further necessary that the

charge be removed from the books.' If payment evidenced by a receipt operates to extinguish the mortgage, I do not understand the object of the last words of the amendment 'when the receipt does not purport to extinguish the mortgage.'

"Referring to the Proceedings of the Viceregal Legislative Council relating to Act VII of 1886, I find that the clause which forms the subject of the present amendment was introduced by the Select Committee to which the Bill which afterwards became the Act above named had been referred. From the report of the Select Committee it appears that the provision had been recommended to and was adopted by them on 'grounds of convenience.' In moving that the report of the Select Committee on the above Bill be taken into consideration, the Honorable Mr. Ilbert said :—'There is a recent decision of the Allahabad High Court to the effect that receipts for payment of mortgage money are compulsorily registrable. Almost all the authorities whom we have consulted are agreed that, whether this interpretation of the Act is right or wrong, it cannot be enforced without causing great practical inconvenience. The above clause had accordingly been added to the Bill. We thus see that the object of the provision was to obviate practical inconvenience and we should consider whether the above consideration applies with sufficient force to the circumstances and conditions of this country.

"This leads us to the second of the grounds above adverted to, *viz.*, the alleged expense, loss and inconvenience to the parties. I shall first deal with the alleged inconvenience. It is not clear what constitutes the inconvenience. Two considerations are mentioned in the observations of the learned Mover—(1) a debt is often discharged by a number of instalments and if, at each time a payment is made, the parties are required to secure a registered voucher for the same, they will be put to great inconvenience : (2) the parties who have to register the documents often live or carry on business far away from the Registry offices.

"As regards the first ground I venture to say that instances of mortgage debt being paid by a number of instalments are extremely rare. Part-payments of simple debts are not rare. In hypothecations too, there may be cases of payment by instalments. In mortgages proper, and in this country almost all the mortgages are mortgages with possession, part-payments of mortgage debts are, so far as my enquiries go, almost unknown.

"As for the distance, I have already pointed out that the average area to a Registry office is 160 square miles, which means, presuming (as we may well do) that the Registry offices are centrically situated with reference to their areas of jurisdiction, that a man has to travel about 6¼ miles to get to a Registry office.

"A careful study of the figures given in para 327 of the latest Travancore Administration Report would show that, excluding the hilly and unpopulated tracts, the average area is considerably less. Thus we have a Registry office within easy reach of almost every village and, if I mistake not, the policy of Government is to open more offices. I am sure that in the vast majority of cases the parties reside within the jurisdiction of the Registrar. 88 per cent. of the documents presented for registration in 1069 were registered on the day of presentation. These facts would, I believe, show that the inconvenience to which the parties are likely to be put is at any rate not such as calls for any relief. As regards the expense and loss, I do not know whether the present rate of fees charged is too high. I have already observed that no representation, so far as I am aware, has been received from the people on this subject. This, however, is not a safe index of the burden not being heavy. The loss of revenue involved, as the learned Mover has observed, may not perhaps be considerable, though I should observe that

if the amendment is passed the actual loss will be not the Registration fee alone but *that* plus the stamp duty on releases and reconveyances of mortgage. Endorsements of the kind referred to are exempted from stamp duty and if such endorsements are declared to have the effect of extinguishing the mortgage, very few will go to the expense of executing release deeds. I am tempted to remark that deeds evidencing an extinguishment of mortgage are fitter subjects of taxation than those creating an encumbrance as the former often indicates solvency in both parties while the latter implies insolvency in respect of one of the parties. But I do not lay any stress at all on the financial aspect of the question. If it is deemed necessary and expedient to lighten the burden on the public, the proper course, it strikes me, would be to move for a reduction of the fees.

"Let us now turn to the reverse of the medal. As already pointed out, the bulk of the transactions relating to immovable property in this country are of the nature of mortgages with possession. Whatever the strict legal import, the people do not look upon a mortgage as a mere debt. The bulk of the immovable property of many families consists of mortgage properties.

"It cannot be denied that Registration gives notoriety to the deed and affords great safeguards against fraud; and I feel that the amendment will open a door for false transactions. The masses in this country are as ignorant as they are litigious. The signatures of almost all women (except among the better classes) and of many men are mere strokes. There is thus ample facility for forgery. In Marumakathayam families, the temptation as well as opportunity for fraud are very great. In South Travancore especially where by the impact of the Makathayam system and other causes the Marumakathayam system is in a tottering state, there being very few families where the several branches and indeed members of the same branch are not in a state of perpetual warfare, the provision that an unregistered endorsement or receipt will operate to extinguish the right secured by the mortgage will prove simply ruinous. Thefts of documents which now are very rare will become rife. If the original document is lost, the mortgagor has only to hire a few witnesses to defraud the mortgagee. And last, but not least, the amendment would defeat one of the chief objects of registration, *viz.*, to enable all persons interested to find out the exact position of the property with which they are about to deal.

"I trust the foregoing considerations will show that the disadvantages likely to result from the proposed amendment more than outweigh the possible advantages and I earnestly hope that the Council will see that it is expedient to let well alone."

A Non-official Member then suggested a middle course, and, in doing so, he observed :—"I am of opinion, therefore, that endorsements of payment made on the original deed itself, should be optionally registrable, and should not be brought within the class of compulsorily registrable documents. The Madras and Bombay High Courts have held that, under the old Registration Act of 1877 (which corresponds with the existing law in Travancore), endorsements acknowledging part-payment, do not require registration. (*Vide* I. L. R. III Madras p. 53, I. L. R. IV Bombay p. 235, and I. L. R. V Bombay p. 181). No doubt the Allahabad High Court took a different view of the matter, in the case of Dalip v. Durga Prasad, and in a later case in the sixth volume of their reports. But it was to undo the mischief of this very view that the Amendment Act of 1886 was passed in British India. The Hon. Mr. Ilbert in proposing the Amendment Act said :—"There is a recent decision of the Allahabad High Court to the effect that receipts of payment of mortgage money are compulsorily registrable. *Almost all the authorities whom we have consulted are agreed that,* whether this interpretation of the Act is right or wrong, *it cannot be enforced without causing great practical inconvenience.*" Pray, note the

words that I have emphasized in the above extract.

"Passing next to the subject of *separate* receipts acknowledging payment of mortgage money, I am at one with those who think that they should be brought within the class of compulsorily registrable instruments. In the first place, the system of extinguishing registered debts by unregistered separate receipts, is very rare in this country; and secondly, the system, if allowed, is liable to abuse and opens a wide door for the commission of fraud.

"For instance, an innocent assignee of a mortgage right could often be defrauded by the collusion of the original mortgagee and mortgagor, who might with the greatest facility get up any number of separate receipts between themselves. The mortgagor may play into the hands of the assignor of the mortgage-right, and after the assignment, come out with his receipts and defeat the assignment.

"Gentlemen, you will observe then, that I draw a distinction between endorsements and separate receipts. Before taking an assignment an assignee would naturally ask for the original mortgage deed, but he could hardly be expected to ferret out the existence of separate receipts. In the former case, if he gets the deed and finds no endorsements on it, he may well rest assured that the debt is still unextinguished; and a search of the registry is all that is wanted to make his assurance doubly sure as to the safety of his assignment. But if we once allow the system of separate receipts, the only way by which a would-be-assignee could satisfy himself as to the non-extinguishment of the debt, is by appealing to the mortgagor for private information. The mortgagor may take it into his head to withhold information, or by collusion with the mortgagee, may supply false information and without his goodwill, no safe assignment could take place. This would seriously hamper the transfer of mortgage interests from hand to hand, and would also endanger the safety of such transactions.

"I would therefore make separate receipts registrable compulsorily while I would make endorsements registrable optionally."

The President in opposing the amendment said:—"I feel that the amendment would do more harm than good I would add a few observations and, to m ake the matter clear, I may as well begin with some illustrations which must readily appeal to practical experience.

"A, a mortgagor goes on paying to the mortgagee in instalments the mortgage amount, each payment being endorsed on the mortgage deed. The instrument which must of course be in the hands of the mortgagee is lost by accident and with it the best evidence of the several part-payments. So far as the mortgagee is concerned, he sets up a plea of loss and refers to the Registrar's office for an attested copy of the deed. His interest is secure and there is nothing to prevent him from denying *in toto* the payments made to him and the mortgagor is simply at his mercy. Harassing litigation and recrimination will be the result. In such cases, again, it is possible for an unscrupulous mortgagor to turn the tables upon the mortgagee. The former gets information about the loss. He has not paid back a chuckram. But he alleges full payment duly acknowledged by endorsements on the document lost. Having referred to the possibility of the parties taking undue advantage of each other, even in the case of a *bonafide* loss, it were superfluous to dwell at length upon the pernicious consequences which must flow from the various means—collusion, fraud, forgery, &c, which will be employed on either side for successfully setting up a false plea of 'loss.' In Malabar Tarwads where conflicting interests are not a rare feature, such cases are sure to arise under the amendment now proposed.

"The effect of the amendment upon transactions with third parties has also to be considered. When a man proposes to purchase the property from the mortgagor, he has no other means of satisfying himself as to how far the encumbrance has been cleared

than by referring to the endorsement on the mortgage deed. This, in itself, is no small inconvenience, and when the deed is lost, the difficulty and the scope for fraud are by no means inconsiderable.

"The fundamental principle of the law governing the registration of assurances is that every transaction relating to immovable property shall be registered, whether it involves the creation or extinction of a right.

"The principle is recognised in the proposed amendment. Repayments of mortgage amounts are intended to be freed from compulsory registration, whether they are full or partial, short of the cancelment of the right, which of course implies a concession to the principle above stated. In other words, receipts of repayments in the shape of endorsements on the original mortgage deed when they do not purport to extinguish the mortgage right are to be exempt from registration and to be accepted as evidence of such payments.

"The object of the amendment is to save inconvenience to parties who, as the law stands at present, are obliged to appear at the Registrar's office every time a re-payment is made and acknowledged. In securing this object, it is not denied that the guarantee which the law now affords, so far as the repayments go, will no longer exist. I do not here put forward any considerations regarding the effect on the public revenue from this source. I would leave that point behind for the present, though any sacrifice of fiscal interests where it leads to no commensurate advantage to the public must be allowed due weight in judging the merits of the question.

"As I observed in the course of discussion at the last meeting, mortgages form the bulk of the transactions relating to immovable property in the country. They are 60 per cent of the registrations affecting this class of property of which the larger proportion, 38 per cent, is covered by mortgages with possession. But between possession-mortgages and mere hypothecations, the proportion stands at 63·4 and 36·6 per cent., respectively. From the figures furnished by the Huzur Registrar in regard to the releases of both description of mortgages brought up for registration during the first half of the current Malabar year, I find the total number of documents to be 5038, of which the releases bearing on possession-mortgages form 67 per cent, while those of mere hypothecation deeds are not more than 33 per cent. Thus the transactions relating to mortgages with possession are by far larger than those of the latter class.

"The amendment under discussion applies to both the above classes of mortgages. I can claim some knowledge and experience of the actual dealings among the Travancore people as regards mortgage transactions and I may venture to point out that it is very rarely or never that repayments under possession-mortgages are made or accepted in instalments ; nor have I known a single instance where full re-payment of the mortgage amount takes place without immediate extinction of the mortgage right and formal re-conveyance of property. It is not in the nature of things that the mortgagee would accept part payments of an amount advanced and recognised in a document executed under the guarantee provided by the law nor would the mortgagor be blind to the risk he runs in making such payments outside the Registration Act So, virtually the amendment would have very little effect in the way of saving inconvenience so far at least as the larger proportion of releases is concerned. As regards hypothecation deeds too, these remarks apply though it may be in a less degree. Anyhow, cases of repayment by means of endorsements even under the latter class must be fewer than otherwise.

"The present Registration Regulation has been in operation for 27 years and it does not appear that there has been any hardship for want of the proposed provision. Nor did the necessity for the provision ever strike the Council when the Bill passed through all its stages. What is of still

greater significance is that the publication of the Bill has provoked no comments anywhere in the country pointing to any inconvenience on this score. These circumstances warrant at least a presumption that the evil which it is now sought to remedy, if it exists at all, is hardly appreciable. In measuring the expediency of changing a given law which has been found to work well for more than a quarter of a century, we should have something more tangible. Individual inconvenience there may be. It is incidental to every general measure of State administration. The question with the Legislature should be, whether the inconvenience is so great and serious as to outweigh the interests which it is the principle and policy of the existing law to safeguard. If the registration of instruments affecting immovable property is declared no longer compulsory, a good deal of public inconvenience will be obviated. But this inconvenience, we all know, is nothing compared with the solid benefits secured by the compulsory procedure.

"The repayment of mortgage amounts by instalments is, as I have already observed, of rare occurrence; at least, that it comes within the range of ordinary transactions is open to question. This cannot be said of payments which are advanced over and above the original mortgage amounts as Porakadom and ഒറ്റിക്കം. Every such payment, however small, must be brought under registration. The inconvenience on this account must affect by far a larger number of individuals than in cases of part-payment. But it is a necessary evil. As with payments, so with re-payments. Both concern vested rights and both must be governed by precisely the same principle.

"That a repayment may be fully made and yet the right may still vest in the mortgagee, unless formally extinguished, is a position which is hardly borne out by actual experience.

"It seems to be at best a legal fiction which, if created as implied in the amendment, would have a mischievous tendency towards fraud and litigation.

"It may be that parties to mortgage transactions resort to adjustments by means of endorsing repayments. So, parties do sometimes manage without any written contracts. These, however, are exceptions to the normal state of things, mere makeshifts which do not help the question at issue."

The Member in charge said:—"I have no objection to adopt the suggestion (the middle course) of—if the Council are prepared to accept it. I cannot refrain from remarking that, so long as the Law of evidence is what it now is, the rejection of the amendment proposed by me will not *per se* prevent the Courts from giving effect to payments made in discharge of mortgage debts, although such payments may be evidenced by *unregistered* vouchers. The sole object of the amendment I have proposed is to place beyond doubt the admissibility of the vouchers in evidence and thereby facilitate the proof of payments by *documentary* evidence which is certainly superior to proof by *oral* evidence."—

L. C. P., dated 30-3 & 11-5-1895.

Case Law.

1. A (defendant) executed to B (plaintiff) an agreement promising to convey certain lands to B receiving Rs. 400. It was alleged also that the agreement was subsequently renewed on receipt of a further advance of Rs. 35. B sued to recover the cash advance with interest. The Zilla Judge dismissed the suit holding that, as the deeds relied on were unregistered, they could not be admitted in evidence.

Held.—As the deeds were instruments falling under Sec. 10 of the Regulation (I of 1042) and not under Sec. 9, their registration was not compulsory.—

7 T. L. R., *158.*

Ref.—3 S. D., 199.

2. A lease-deed reserving a yearly rent—not merely the payment of a certain sum for

one year's rent, is compulsorily registrable.— 8 T. L. R., *49*.

3. Ignorance of the fact of registration of a document is not a sufficient excuse for the failure to sue in time.

One of the objects of the Legislature in requiring the registration of documents is to give public notice of the transactions evidenced by them; and every facility is given by law to those who may desire to have full information regarding registered documents. Mere ignorance with the facilities for the acquisition of requisite knowledge does not excuse the laches of the plaintiff.—

9 T. L. R., *181*.

Ex.—17 T. L. R., 117.

4. A letter simply promising to execute a conveyance of immovable property, which, when duly executed, will create the requisite right, title or interest, does not require registration as it was not intended to create any right, title or interest in immovable property in favour of the plaintiff. It is admissible in evidence in spite of its compulsory registration. The validity of a registration compelled by order of a Court under Part XII of the Registration Regulation, cannot be impeached on the ground that the schedule of the property covered by the document was not supplied by the executant. In cases of compulsory registration, the executing party can hardly be expected to do the needful; and if the other party could not supply the defects of this description, the document will remain unregistered in spite of the order of the Court —a result certainly not contemplated by the Legislature in providing for compulsory registration in Part XII.— 11 T. L. R., *131*.

5. The registration of a partition deed is optional under Sec. 10 of the Registration Regulation (I of 1042). The fact that it relates to immovable property would not bring it within Sec. 9 of that Regulation. Sec. 10 must be read as enacting an exception to Sec. 9.

An unregistered partition deed is admissible in evidence, though it may relate to immovable property.— 11 T. L. R., *172*.

Ex.—21 T. L. R., 199.

6. In a suit for recovery of land, the parties agreed to abide by oath, but, instead of carrying out the oath-agreement, they came to a compromise in the presence of the commissioner deputed to see the oath taken. The terms of the agreement of compromise were noted down by the commissioner, and the parties signed the paper. This agreement was produced in Court, but no decree was passed on it, the suit having been dismissed. The plaintiff in that suit now sues to enforce the terms of the agreement of compromise. *Held*.—The agreement, relating as it does to the transfer of immovable property, must be registered. To decree the delivery of immovable property to plaintiff according to the terms of a written agreement which is not registered, would be violating two essential conditions of the Regulation (I of 1042 firstly by admitting in evidence a document which that Regulation in Sec. 31 (=Sec. 42) declares cannot be received in evidence in any Civil Court; secondly, by ordering the transfer of property under the terms of an instrument the registration of which under Sec. 9 (=Sec. 10) is compulsory. It need not be taken as an inflexible rule that the Court will not countenance a transfer of immovable property not made under a registered instrument, as instances may be imagined of a simple delivery operating as a valid transfer; but when a party who has no equitable rights comes into Court and asks for what amounts to a conveyance on an unregistered instrument, he cannot get any relief.

The suit being on a written agreement, cannot be treated as one based on a verbal agreement. The suit was consequently held unsustainable — 11 T. L. R., *200*.

7. The mere endorsement on a registered hypothecation deed which simply records

the discharge of the debt and nothing more does not require registration.—

17 T. L. R., *186*.

8. When a party signs, delivers and voluntarily gets registered a deed of conveyance, it may be presumed that he intended the conveyance to be operative, though such presumption is rebuttable; and it stands to reason that, in such cases, the party should not be allowed to subsequently rescind the conveyance of his own accord without good grounds. But where a party who signed a deed of conveyance subsequently refused to get it registered owing to non-payment of any portion of the consideration and the document was compulsorily registered in spite of his protest, such registration could not from its very nature, afford ground for the presumption that the executant intended it to operate as a transfer of his right.

It is wrong to hold" that mere registration makes a transaction, a completed transaction. The moment an intrument is registered, it does not follow that it should be taken as conclusive that the title has passed. There might be circumstances that would show that it was not intended that the transfer should have any immediate operation, although the deed has been registered. The question as to whether the consideration was paid has a most material bearing on the consideration of the question whether it was intended that the transfer to the defendant should then and there be an operative transfer or whether it was intended that something further should be done before any effect should be given to it."— 17 T. L. R., *187*.

9. An endorsement or receipt written in a mortgage deed by a mortgagor acknowledging part-payment of the mortgage debt is admissible in evidence although unregistered. *Vide* discussions in the Legislative Council summarised in the Note under the Section, *Supra*.

If the part-payment was a fact, the mortgagee could not be allowed to contend that the money paid still remained a charge on the mortgaged properties or seek to recover the amount from the mortgaged properties on the ground that the endorsement evidencing the payment was not registered.—

15 T. L. R., *120*.

10. Under a Sukshma Kychit, defendant agrees to take care of the houses which the plaintiff purchased in Court-sale and which were put into his possession The document does not purport to create any interest in the property in favour of the defendant and it is not a lease from year to year. It is not even a rent bond. If it is regarded as creating a tenancy at will, as it may be, then even, the document does not require registration.—

19 T. L. R., *212*.

11. A compromise petition by itself does not create any right in immovable property, and is, therefore, not compulsorily registrable. It only creates a right to obtain another document which will create a right in immovable property, and as such falls within Exception 4 in Sec. 10.

Again, the provisions of the Regulation do not apply to proper judicial proceedings, whether consisting of pleadings filed by parties or orders made by the Court. A compromise petition is a pleading filed by the parties and can be sued on although not registered (*F. B.*).—

25 T. L. R., *1* (1 T. L. J., *265*).
Reld.—11 T. L. J., 22.

12. Where a lease deed contains an express stipulation that the lease was to be determined at the will of either or of one of the parties at any time they choose, notwithstanding any provisions therein showing that the parties may have contemplated the currency of the lease for more than a year, the deed is not one which is compulsorily registrable under Sec. 10 (*c*) of the Regulation. Such leases do not constitute anything more than a mere tenancy at will.

—6 T. L. J., *58*.

13. Where the parties to a suit enter into a compromise consisting of terms which partly relate to matters lying outside the

11. Any of the following documents may be registered under this Regulation, namely,—

Documents of which registration is optional.

(a) instruments (other than Wills) which purport or operate to create, declare, assign, limit, extinguish or surrender any right, title or interest to or in movable property;

(b) leases of immovable property for any term not exceeding one year;

(c) Wills or authorities to adopt; and

(d) all other documents not required by Section 10 to be registered.

12. If any document duly presented for registration be not in Malayalam or Tamil, the Registering Officer shall refuse to register the document unless it be accompanied by a true translation in Malayalam or Tamil and also by a true copy of the original document.

Documents in language other than Malayalam or Tamil.

13. (1) The Registering Officer may, in his discretion, refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials, such interlineation, blank, erasure or alteration.

Documents containing interlineations, blanks, erasures or alterations.

(2) If the Registering Officer registers any such document, he shall, at the time of registering the same, make a note in the Register of such interlineation, blank, erasure or alteration.

---

scope of controversy as disclosed by their allegations and counter-allegations, such compromise, if submitted to the Judge for consideration and incorporation, if deemed appropriate, in the decree, does not require registration, whether all its terms are so incorporated or whether they are merely referred to in the decree (F. B.).—

10 T. L. J., 22.

14. See under Sec. 41.—12 T. L. R., 54.
" " 42.—21 T. L. R., 199.

—

Sec. 11: In the Indian Act, Sec. 18 is as follows:—"Any.........namely:— (a) *instruments (other than instruments of gift and Wills) which purport or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property,*(b) *instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;* (c) Leases of immovable property for any term not exceeding one year *and leases exempted under Sec. 17;* (d) instruments (other than Wills) which purport......or extinguish any right, title or interest to or in movable property; (e) *Wills;* and (f) all other documents not required by Sec. 17 to be registered."

Case Law.

See under Secs. 3 and 10.

—

14. (1) No non-testamentary document relating to immovable property shall be accepted for registration, unless it contains a description of such property sufficient to identify the same.

Description of property.

(2) Houses, gardens and paddy fields shall be described by their names (if any), Survey numbers, area, situation, boundaries, District, Sub-District and Pakuthi in which they are situate, and by such other particulars as shall suffice for the purpose of identification.

(3) No non-testamentary document containing a map or plan of any property comprised therein, shall be accepted for registration, unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Sub-Districts, by such number of true copies of the map or plan as are equal to the number of such Sub-Districts.

Documents containing maps or plans.

(4) If the document does not contain a sufficient description of the immovable property to which it relates, the Registering Officer may allow the party who executed the document to file a schedule setting forth the additional information; and, if the said party fails to do so within a fixed time, the Registering Officer may allow the party who presented the document for registration, to file a schedule setting forth the additional information. Such schedule shall be treated as a part of the document presented for registration.

Sec. 14(4): (1) This is not found in the corresponding Sec. 21 of the Indian Act, nor did Regulation I of 1042 contain such a provision. It was proposed by the Select Committee who reported on the Bill which became Regulation I of 1070. They said that "the absence of a power authorising the Registering Officer to call for and receive a schedule of property in cases where the description given in the documents was defective was reported to be much felt."— *S. O. R., Pr. 13.*

In the provision as made by that Select Committee, the Council inserted the words—"if the said party fails to do so......additional information"— on the motion of a Non-official Member, "in view to secure notice to the executant of a document of the alteration made in it, so that no undue advantage may be taken behind his back, by allowing others to make corrections in the documents".— *L. C. P., dated 22-9-1894.*

(2) In the Indian Act, Sec. 22 provides that *"failure to comply with the provisions of Sec. 21, Sub-sec. (2) or Sub-sec. (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property."*

PART IV.

Of sending to a Registration office Memoranda of Decrees and Orders affecting immovable property.

Memorandum of decree or order affecting immovable property.

15. When any Civil Court shall, by a decree or order, create, declare, transfer, limit or extinguish any right, title or interest of any person to or in any immovable property situate in any part of Travancore, such Court shall cause a memorandum of the said decree or order to be sent to the Sub-Registrar or to every Sub-Registrar within whose Sub-District the whole or any portion of the property is situate and such memorandum shall, so far as may be practicable, describe the property in the manner required by Section 14; and the memorandum so received shall be filed in Book 1.

Sec. 15: (1) This provision is not found in the present Indian Act. Regn. I of 1042 had the following Sections under a separate Part VIII :— "26. When any Civil Court shall, by a decree or order declare any document relating to immovable property which shall have been registered under this Regulation, to be invalid, or when any Civil Court shall pass a decree or order affecting any such document, and such last mentioned decree or order shall create, declare, transfer, limit or extinguish any right, title or interest under such document to or in the immovable property to which it relates, such Court shall cause a Memorandum of the decree or order to be sent to the District Registrar, in whose District the document was originally registered.

"27. When any Civil Court shall, by a decree or order, create, declare, transfer, limit or extinguish any right, title or interest of any person to or in any immovable property situate in any part of Travancore, such Court shall cause a Memorandum of the said decree or order to be sent to the District Registrar or to every District Registrar within whose District the whole or any portion of the property is situate ; and such Memorandum shall, so far as may be practicable, describe the property in the manner required by Section 13.

"28 The costs of and attending the registration under Sections 14 and 15, of any Memorandum of a decree or order, shall be costs in the cause, and shall be paid by the Court to the Registering Officer, or to such other person as the Sirkar shall direct in that behalf."

(2) The Member in charge of the Bill which became Regn. I of 1070, omitted the above Sections in framing the Bill, and in the Statement appended to it, he said:— "In British India, the system of filing in Registration offices memoranda of decrees and orders of Civil Courts was abolished, Registration of these documents is not necessary for their validity. The parties who wish to have the advantage of longer period of limitation prescribed for execution of registered decrees, may get them registered in the usual way. It is not unlikely that, with all the care taken in Civil Courts, memoranda of a large number of the decrees relating to real property may not have been filed in the Registration offices. The existence of a decree relating to any immovable property may be as easily ascertained as the existence of a registered encumbrance relating thereto. In these circumstances, the retention of the present practice does not seem to be necessary."— *S. O & R., Pr. 7.*

(3) The Select Committee approved of this : but when the amended Bill was considered by the Council, a Non-Official Member proposed the above Sections being put under a new Part. He said:—

"The Chapter proposed to be introduced is not a new provision, so far as Travancore is concerned. Sections 26, 27 & 28 of the old Registration Regulation (No. 1 of 1042) provide for the registration of decrees. This system has been in force for the last quarter of a century, and should not be abandoned without very cogent reasons. The learned Mover of the present Bill, in his Statement of Objects and Reasons, sets forth the following chief grounds, for departing from the present practice. [See *Supra*]

"These objections are untenable. That in British India the system was done away with, is of itself, certainly, no reason for Travancore following suit; the conditions of the two countries differ. That the duty of registering decrees is left to Civil Courts which do not see to its being regularly done is no fault of the Registration Regulation, but is attributable to the lax supervision of the responsible ministerial officers of the Courts; and the remedy lies, not in abolishing the wholesome provisions of the law, but in strictly enforcing them by calling for periodical returns of the number of decrees passed and the number registered. That intending purchasers of property could as easily find out the existence of decrees by seeking information from the Civil Courts, as from Registry offices, is not a fact. There are no provisions in the rules of practice of Civil Courts, which entitle a person, who is not a party to a suit, to get information by a mere application, as to what decrees or orders have been passed about a piece of property which he intends to purchase. In the one thousand and one suits which are filed every year in each of our Courts, a would-be purchaser cannot easily find out which suit relates to the particular property he is concerned about; and there is no Officer in the Courts who would patiently rummage the records of years to find out the identical decree that is wanted. On the other hand, by a very simple process, the old Registration Regulation enters against each property every decree that is passed relating thereto, and under that law, on the payment of a small fee; every man is of right entitled to make a search of the registers, and every Registrar is in duty bound to facilitate the search. Thus then, none of the reasons urged by the Mover seem to warrant the departure from the practice now obtaining under the old law.

"If the old law requires any further justification, it will suffice to refer to two important purposes served by it. It endeavours to maintain as far as possible a complete registry of all titles to immovable property in the general interests of the public. It prevents the perpetration of frauds on innocent purchasers, by enabling them to find out the existence of decrees by the simple process of making a search for encumbrances in a Registry Office."

In reply, the Member in charge, in concurring in the views expressed as to the utility of maintaining a registry of landed property which forms the subject of a litigation, pointed out that "it is the practical difficulty of carrying out the necessary registration, through the medium of others than the interested parties, that induced the British Legislature to relieve the Courts of the duty of sending memoranda of decrees for registration. The Registration Gumastah is not attached to the permanent establishment. He has no access to the records. He can only prepare memoranda of the decrees that are given to him by the regular establishment. His pecuniary interest is therefore insufficient to secure a complete registration of decrees. In the multifarious duties the Judges and Munsiffs and their establishments have to do, it is too much to expect that they could pay such close attention to what is beyond the ordinary scope of their duties, as will secure satisfactory

PART V.

Of the Time of Presentation.

16. Subject to the provisions contained in Sections 17 and 18, no instrument (other than a Will) shall be accepted for registration (whether the registration be compulsory or optional), unless presented for that purpose to the proper Officer within ninety days for the date of its execution, if such instrument is executed in Travancore or in any other part of India or in Ceylon; and one hundred and eighty days, if the instrument is one purporting to have been executed by all or any of the parties out of India or Ceylon:

Time of presenting documents.

Provided,—

(a) that a copy of a decree or order may be presented within ninety days from the day on which the decree or order was made, or where it is appealable, within ninety days from the day on which it becomes final; and

(b) that, where there are several persons executing a document at different times, such document may, subject to the provisions of Sections 17 and 18, be presented for registration and re-registration within ninety days or one hundred and eighty days from the date of each execution, according as the execution was in or out of India or Ceylon.

---

results. As the registered decrees have longer periods of limitation than others, it will not be disputed that it is the special duty of the Vakeels of the successful parties to bring to the notice of the presiding Judge any omission to transmit the memoranda of the decrees for registration. But as matters now stand, I regret to say that it will not be easy to find the Vakeels who have attended to this duty. As the Council have agreed to the amendment upon the motion of two distinguished members of the bar, I have no doubt that the Vakeels as a body will try their best to secure a complete registration of decrees"

The motion to insert the Sections was then carried.— *L. C. P., dated 22-9-1894.*

(4) Thus, the three Secs. 26, 27 and 28, which were in Regulation I of 1042 came to be enacted in Regulation I of 1070, with but slight modifications in the use of the word 'Sub-Registrar' for 'District Registrar', and 'Our Government' for 'the Sirkar', as Secs. 14, 15 and 16 respectively,

(5) When the Bill which became Regulation II of 1087 came to be drafted, the Member in charge omitted Sec. 14 and retained the other two Secs. 15 and 16 in his Bill. The Select Committee who reported on the Bill amended Sec. 15 by adding at the end the words "and the memorandum so received shall be filed in Book I", and omitted Sec. 16 *in toto*, as "the Government had ordered that the revenue referred to in that Section be credited under Court Fee stamps and not under Registration."— *S. C. R.*

17. If any instrument shall not have been presented for registration till after the expiration of the time prescribed in that behalf in the last preceding Section, it shall be lawful for the Registering Officer, where the delay in presentation shall not exceed ninety days, to accept the instrument for registration on payment, as penalty, of a sum not exceeding ten times the amount of the proper registration fee.

Provision where delay in presentation is unavoidable.

18. Whenever a Registration office is closed on the last day of any period provided in this Regulation for the presentation of any document, such last day shall, for the purposes of this Regulation, be deemed to be the day on which the office re-opens.

Provision where office is closed on last day of period for presentation.

19. A Will may, at any time, be presented for registration or deposited in manner hereinafter provided.

Will may be presented or deposited at any time.

PART VI.

Of the Place of Registration.

20. Save as in this Part otherwise provided, every non-testamentary document relating to immovable property mentioned in Sections 10 and 11, shall be presented for registration in the office of a Sub-Registrar within whose Sub-District the whole or any portion of the property to which such instrument relates is situate.

Place for registering instruments relating to land.

21. Every non-testamentary instrument other than an instrument referred to in the last preceding Section, may be presented for registration in the office of the Sub-Registrar in whose Sub-District the instrument was executed, or in the office of any other Sub-Registrar at which all the persons executing the instrument desire the same to be registered.

Place of registering other instruments.

Secs. 16 & 17: (1) In the Indian Act the maximum period allowed for presentation is four months from date of execution whatever be the place of execution.

(2) In that Act (Sec. 25), it is specifically provided that the delay in presentation should be "owing to urgent necessity or unavoidable accident."

(3) In the Indian Act, a new Section (23-A) has been added by Act XV of 1917, which provides for re-registration of certain documents.

Place of registering decrees or orders not affecting immovable property.

22. A copy of a decree or order not affecting immovable property may be presented for registration in the office of the Sub-Registrar in whose Sub-District the original decree or order was made or passed, or in the office of any other Sub-Registrar at which all the persons claiming under the decree or order desire the copy to be registered.

Registration by the Sub-Registrars at the Head-quarters of Districts.

23. The Sub-Registrar at the Head-quarters of a District may receive and register any document referred to in Section 20, without regard to the situation, in any part of Travancore, of the property to which the document relates.

Registration or acceptance for deposit at private residence.

24. In ordinary cases, the registration or deposit of documents under this Regulation shall be made only at the office of the Officer authorised to accept the same for registration or deposit:

Provided that such Officer may, on special cause being shown, attend at the residence of any person desiring to present a document for registration or to deposit a Will, accept for registration or deposit such document or Will, and record any admission made by the executant or testator as the case may be. Every Registering Officer so attending shall report the same immediately to the Director of Registration.

PART VII.

Of presenting Documents for Registration.

Persons to present documents for registration.

25. Every non-testamentary document to be registered under this Regulation, whether such registration be compulsory or optional, shall, subject to the provisions of Section 24, be presented at the proper Registration office by—

(a) some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under such decree or order; or

(b) the representative or assign of such person; or

(c) the agent of such person, representative or assign.

Sec. 22: This was put in by the second Select Committee in view to "determine the office of registration of decrees or orders not affecting immovable property. No express provision on the subject is contained in the existing Regulation (I of 1070)."—*S. C. R.*

26. (1) For the purposes of this Regulation, an agent shall mean a person duly authorised by a power-of-attorney executed and authenticated in the manner following, namely,—

Powers-of-attorney recognisable for purposes of Section 25.

(a) if the principal at the time of executing the power-of-attorney resides in any part of Travancore, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-Registrar within whose District or Sub-District the principal resides; or a power-of-attorney duly registered by a Sub-Registrar on the admission of the principal but not on that of his agent;

(b) if the principal at the time aforesaid resides anywhere out of Travancore, a power-of-attorney executed before, and authenticated by, a Magistrate, a Notary Public or any Officer who is empowered to register documents, or any Court, Judge, British Consul, Vice Consul or Representative of His Majesty or of the Government of India, or, where there is a regular system of registration of assurances, a power-of-attorney duly registered by a Registrar or Sub-Registrar on the admission of the principal but not on that of his agent:

Provided that the following persons shall not be required to attend at any Registration office, for the purpose of executing any such power-of-attorney as is mentioned in Sub-clause (a) of this Section, namely,—

Proviso as to persons infirm or in jail or exempt from appearing in Court.

(i) persons who, by reason of bodily infirmity, are unable, without risk or serious inconvenience, so to attend;

(ii) persons who are in Jail under Civil or Criminal process; and

---

Sec. 26: This Section was reproduced from Regn. I of 1070 and differs in some respects from the corresponding Section of the Indian Act. The changes made by the Select Committee in the Section as it stood in the Bill, were thus replained:—

"We have brought within the scope of the Section, powers-of-attorney registered in Travancore or British India on the admission *of the principal* as they are equally reliable with the powers-of-attorney referred to in the Section. A power-of-attorney registered on the admission of an agent will not be accepted as its validity depends upon the authenticity of the power-of-attorney, the agent holds from his principal. We have added a clause (based on the existing rules) indicating the mode of

(iii) persons exempt by law from personal appearance in Court.

(2) In the case of every such person, the Registrar or Sub-Registrar, (as the case may be), if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at his office.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar shall go to the house of the person purporting to be the principal, or to the Jail in which he is confined and examine him or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this Section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before, and authenticated by, the person or Court hereinbefore mentioned in that behalf.

(5) Any power-of-attorney referred to in this Section shall be deemed to be in force, until it is cancelled in the manner required by the Rules made under Section 64 of this Regulation.

Explanation.—The word "agent" in this Section includes also a sub-agent appointed under the special authority granted for that purpose in the power-of-attorney executed by the principal to the agent.

Enquiry before Registration by Registering Officer.

27. (1) Subject to the provisions contained in this Part and in Sections **34, 36, 38, 64, 69, 71** and **82**, no document shall be registered under this Regulation, unless the persons executing such document or their representatives, assigns or agents authorised as aforesaid, appear before the Registering Officer.

(2) Appearance under Sub-section (1) above may be simultaneous or at different times.

---

cancelling the powers-of-attorney. We have, by the Explanation newly added to this Section, included "a sub-agent" in the word "agent." Under the general powers-of-attorney executed to European firms in India by their principals residing in Europe, the Indian firms are authorized to appoint sub-agents for registering documents in other places than the chief seat of their business. It is on the admission of the sub-agents that documents executed by gentlemen residing in places beyond India, are registered in Travancore. If such sub-agents are not recognised, such documents will often remain unregistered and very serious consequences will ensue".—*S. C. R., Pr. 17.*

(3) The Registering Officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed,

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document,

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear, and,

(d) in the case of a donee of any anthority to adopt or the adoptive person, satisfy himself as to the identity of such donee or adoptive person.

Procedure on admission of execution.

28. (1) (a) If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or, if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document; or,

(b) in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent, admits the execution; or,

(c) if the person executing the document is dead, and his heir representative or assign appears before the Registering Officer and admits the execution;

the Registering Officer shall register the document as directed in Sections 50, 51, 53 and 54.

(2) The Registering Officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Regulation, examine any one, whether summoned or not.

Sec. 28: (1) In Sec. 35 of the Indian Act, Sub-Sec. (2) is :—"The Registering Officer may......contemplated by this Act, examine any one *present in his office.*"

Clause (c) of Sub-Sec. (3) in that Act is :—"If any person.........is dead, and *his representative or assign denies its execution,*" the Registering Officer shall refuse to register the document as to the person so denying, appearing or dead.

(2) Clause (d) of the Regulation is not in the Indian Act.

(3) The Section is a reproduction of Sec. 28 of Regn. I of 1070. In regard to the changes made by the Select Committee in the Bill which became Regn. I of 1070, they

(3) (a) If any of the persons by whom the document purports to be executed, denies its execution, or,

Procedure on denial of execution.

(b) if any such person appears to the Registering Officer to be a minor, an idiot or a lunatic, or,

(c) if any person by whom the document purports to be executed is dead, and his heir, representative or assign, or, if there are two or more heirs, representatives or assigns, any one of them, denies its execution, or,

(d) if any person by whom the document purports to be executed or his representative or assign, after being duly summoned, fails to appear before the Registering Officer on the date mentioned in the summons,

the Registering Officer shall refuse to register the document as to the person so denying, appearing, dead, or not appearing,

---

PART VIII.

Of enforcing the Appearance of Executants and Witnesses.

Procedure where appearance of executant or witness is desired.

29. If the Registering Officer or the person presenting any document for registration or claiming under any document, desires the appearance of any person whose presence or testimony is necessary for the registra-

---

observed :—"The amendments made in the Section require the Registering Officer to refuse the registration of a document the executant of which being dead, *all* his representatives do not admit its execution, or the executant of which being summoned, does not appear. It is not possible in many cases to say that any one of the numerous representatives so fully represents the deceased executant as to warrant the Sub-Registrar acting on his sole admission. Moreover, the Registering Officer could seldom be expected to decide intricate questions of law regarding succession and inheritance, especially in this country where by far the greater portion of the substantive law, has yet to be reduced to writing. The party who fails to appear according to summons should, in our opinion, be treated as one who denies the document. It is not safe to draw from the *reported* service of summons, the presumption that the absenting party has admitted the execution of the document. No Civil Court decides a suit against an *ex-parte* defendant without taking evidence in support of the claim. Similar procedure must be followed when the alleged executant does not appear before the Sub-Registrar in obedience to summons. Under Sections 69, 70 and 71 (=Secs. 67, 68 and 69) as amended by us, the Registrar may order the registration of such document after the necessary investigation".— *S. C. R, Pr. 18.*

tion of such document, such Officer may, in his descretion, request the Munsiff within whose local jurisdiction the person to be summoned resides, to issue a summons requiring him to appear at the Registration office either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named therein.

Munsiff to issue and cause service of summons.

30. The Munsiff, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly and cause it to be served upon the person whose appearance is so required, in the manner provided for in the Code of Civil Procedure.

Persons exempt from appearance at Registration office.

31. (1) (a) A person who, by reason of bodily infirmity, is unable, without risk or serious inconvenience, to appear at the Registration office, or

(b) a person in Jail under Civil or Criminal process, or

(c) persons exempt by law from personal appearance in Court, shall not be required so to appear.

(2) In the case of every such person, the Registering Officer shall go to the house of such person or to the Jail in which he is confined, and examine him, or, if such house or Jail be not within his jurisdiction, issue a commission to the local Sub-Registrar for the examination of such person.

Laws as to summonses and witnesses.

32. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Regulation.

PART IX.

Of Presenting Wills.

Persons entitled to persent Wills.

33. The testator, or, after his death, any person claiming as executor or otherwise under a Will, may present it to any Sub-Registrar for registration.

Sec. 33 : (1) The Heading of this Part in the Indian Act, is "Of presenting Wills and Authorities to adopt." Provision is made *re* presentation of authorities to adopt in the Sections of this part.

(2) The present Regulation simply reproduces the Sections of Regn. I of 1070. The original Bill which became that Regulation adopted *in toto* the British Indian Sections. But the Select Committee which reported on

34. (1) A Will presented for registration by the testator may be registered in the same manner as any other document.

Registration of Wills.

(2) A Will presented for registration by any other person entitled to present it, shall be registered, if the Registering Officer is satisfied—

(*a*) that the Will was executed by the testator,

(*b*) that the testator is dead, and

(*c*) that the person presenting the Will, is under Section 33, entitled to present the same.

PART X.

Of the Deposit of Wills.

35. Any testator may, either personally or by his agent, deposit with any Registrar his Will in a sealed cover superscribed with the name of the testator and that of his agent, if any, and with a statement that it is a Will.

Deposit of Wills.

36. (1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register Book V the superscription aforesaid, and shall note in the same Book and on the said cover, the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

Procedure on deposit of Wills.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

---

that Bill recast the Sections into the existing ones. They said :—"We think that the authorities to adopt which are very rare in Travancore need not be treated differently from other documents. The registration is a process by which the genuineness of a document is, as a rule, placed beyond doubt. In the case of authorities to adopt there is every reason for their registration within the shortest time possible if their registration is to carry weight. As they are documents optionally registrable, no serious harm will be done by their non-registration. But if any person wishes to give them the advantage which a registered document possesses, he must come to the Registration office within the time prescribed for documents in general. We have accordingly omitted the expression "authorities to adopt" from Sections 19, 22, 35 and 36 (= 16, 19, 33 & 34)".—*S. C. R. Pr., 15.*

37. If the testator who has deposited such cover wishes to withdraw it, he may apply in writing, either personally or by duly authorised agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly and take a receipt for the same.

Withdrawal of sealed cover deposited under Section 35.

38. (1) If on the death of a testator who has deposited a sealed cover under Section 35, application be made to the Registrar who holds it in deposit to open the same, and, if the Registrar is satisfied that the testator is dead and that the applicant has a right to know its contents and deposits a sum sufficient to cover the expense of copying the contents thereof, he shall, in the applicant's presence, open the cover and cause the contents thereof to be copied into his Book II.

Procedure on death of depositor.

(2) When such copy has been made, the Registrar shall re-deposit the original Will.

Re-deposit.

39. (1) No Court shall order the production of any Will deposited under this Part during the life-time of the testator. But it may order the production of such Will after the death of the testator.

Production of a Will before any Court.

(2) When such order is made, the Registrar shall, unless the Will has already been copied under Section 38, open the cover and cause the Will to be copied into his Book II, and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

PART XI.

Of the Effects of Registration and Non-Registration.

40. A registered document shall operate from the time from which it would have commenced to operate, if no registration thereof had been required or made, and not from the time of its registration.

Time from which registered document operates.

Sec. 39: This Section is a reproduction of that in Regn. I of 1070. In the original Bill of that Regulation, the first part of the Section was :—"Nothing hereinbefore contained shall affect the power of any Court by order to compel the production of any Will." This is also the wording in the Indian Act. But the Select Committee recast the Section, "so as to prevent the Courts from compelling the production of the deposited Wills during the life-time of the testator. This is necessary to secure in full the object of the system of deposit of Wills."—

S. C. R. Pr., 21.

41. All non-testamentary documents duly registered under this Regulation and relating to any property, whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property.

Registered document relating to property when to take effect against oral agreements.

But nothing in this Section shall apply to an oral agreement relating to movable property, where such agreement is accompanied by delivery of possession.

Sec. 41: (1) This Section repeats the provision in Regn. I of 1070. The corresponding Section 48 of the Indian Act runs thus:—"All non-testamentary documents duly registered under this Act......declaration relating to such property, *unless where the agreement or declaration has been accompanied or followed by delivery of possession.*"

When the Bill which became Regulation I of 1070 was under consideration by the Council, a Non-official Member moved an amendment to substitute the above italicised words for the 2nd para in the Section. He said:-" The amendment now put forward would make the Section read as it is in Act III of 1877, Sec. 48. I venture to suggest this alteration because it would, in the first instance, be consonant with the provisions of the British Indian Act which, in this respect is found not to work any peculiar hardship on the diverse races inhabiting the vast British Provinces. Secondly, it is the genius of the Hindu people to make verbal gifts of landed property; and if the law should, as proposed, be not altered, a verbal gift accompanied with a half dozen years' possession may be rendered nugatory by a subsequent registered conveyance of the same property by the donor. Thirdly, I find no reason assigned for the departure made from the British Indian Act in the report of the Select Committee nor in the Statement of Objects and Reasons published along with the Bill."

In opposing the amendment, the Member in charge spoke as follows :—"I will mention the facts of a case recently decided by the High Court, which will show more emphatically than my words, the mischief which the proposed amendment will work. A leased his property to B. Subsequently he conveyed it to C under a registered deed. When C sued A and B for possession of the property, B set up an oral sale of a date prior to the registered conveyance on which C claimed. As oral sales are not registered, no amount of search in the Registration offices, would have enabled C to discover the alleged prior oral sale. Possession being a thing common to a lease as well as to a sale, was not *per se* sufficient to disclose to C, the real nature of B's title. The Court finally ruled that C's title under the registered conveyance was not affected by the alleged previous oral sale set up by B. In this country, a large extent of property is held under leases. The lessees, as in the case above mentioned, can easily set up oral sales and point to their possession under the lease, as possession under the sale. *Bona fide* purchasers under registered sales will thus run the risk of losing their money, not by their neglect but by the neglect of the person who relies on oral sales, to register his sale. If such a state of things be permitted, it will open a wide door to fraud and perjury of the worst kind and tell upon the value of registered sales, by introducing a dangerous element of uncertainty in transactions relating to real property. The object ... in advocating the perpetuation of the system of registering decrees, *viz.*, securing a complete registry of titles to real property as a means of preventing collusion and fraud upon *bona fide* purchasers will be completely frustrated by the acceptance of the amendment. This subject received the most deliberate consideration of

the Select Committee who came to the conclusion that oral sales should not take precedence over registered conveyances of real property. What I have said about sales applies also to other forms of alienation." The amendment proposed was put to vote and lost.— *L. C. P. dated 22-9-1894.*

(2) It may be noted that, in Regn. I of 1042, Sec. 30 stood thus:—" All instruments duly registered under this Regulation and relating to any movable or immovable property shall take effect against any oral agreement or declaration relating to the same property". This was the same as Sec. 48 of Act XX of 1866 on which the Regulation was based. It was in Act VIII of 1871, that the Section was amended by the addition of the proviso—" unless where the agreement......possession ;" and this has been retained in the succeeding enactments.

" Both in British India and in this State, the Legislature introduced the rule relating to competition between registered instruments and oral agreements or declarations almost about the same time. While the rule as originally laid down made no exception in favour of oral agreements or declarations followed or accompanied by delivery of possession, such an exception covering both movable and immovable property was introduced by the British Indian Legislature, and a similar exception restricting in its operation to oral agreements or declarations accompanied by delivery of possession of movable property has been adopted by the Legislature of Travancore."

Case Law.

1. The question was whether a second mortgagee of immovable property, under a duly registered deed, was entitled to deprive a prior oral mortgagee with possession of the property, of the latter's security, and to recover the property without redeeming the prior oral mortgage. *Held* (by majority).—As the law stood, the fact that an oral agreement or declaration was followed by possession of immovable property had not the effect of giving valid title to such property to the possessor as against the subsequent holder of a registered document in respect of the same property. Sec. 30 (Regn. I of 1042) which gave priority to registered documents over oral agreements or declarations did not contain the words " unless where the agreement or declaration has been accompanied or followed by delivery of possession." These words could not be *imported* into the Section.

An oral mortgage is valid as between the parties thereto, in the absence of a law in Travancore requiring mortgages to be in writing. The Registration law applies only to contracts reduced to writing and determines the legal weight to be attached to registered written contracts as againt oral or unregistered written contracts.—

12 T. L. R., *54.*

Fol.—14 T. L. R., 118.

Dist.—19 T. L. R., 249.

Ref.—40 T. L. R., 109.

2. Under the Registration Regulation (I of 1042), a registered document takes effect against a parol agreement. The latter can take no priority over the former in respect of the same matter.—**14 T. L. R.,** *118.*

Dist.—19 T. L. R., 249.

Ref.—40 T. L. R., 109.

3. Immovable property belonging to A was sold in auction and purchased by the decree-holder. A induced his relation B to obtain an assignment of the decree and sale of the property from the decree-holder, to allow A to continue in possession paying interest on the money advanced, and to reconvey the property on repayment of the purchase-money. B died and his son C sold the property to D after written notice of the oral agreement was given by A to both C and D. *Held.*—(1) From the intention of the parties, B the first vendee must be regarded more as a mortgagee. The parties treated the position as such and hence the agreement for reconveyance on repayment of the advance. (2) Sec. 41 of Regulation I of 1070 applied only to cases in which the question of notice, actual or constructive, or

42. No document required by Section 10 to be registered shall—

Effect of non-registration of documents required to be registered.

(a) affect any immovable property comprised therein, or

(b) be received as evidence of any transaction affecting such property,

unless it has been registered.

---

fraud, did not arise. The Section did not make any mention of notice or fraud, and cases which have those elements in them have to be disposed of on considerations peculiar to themselves. (3) Possession, for purpose of notice, was equivalent to registration. (4) sale to D was invalid in the face of the oral agreement.—

19 T. L. R., *249.*

Fol.—40 T. L. R., 109.

4. Though the word 'notice' does not appear in Sec. 41 of the Regulation (I of 1070), possession for the purpose of notice was equivalent to registration.—

20 T. L. R., *131.*

5. A deed of assignment of powers of managment could not be revoked by subsequent conduct. Even if the deed was revocable, it must be given full weight as against alleged subsequent oral revocation under Sec. 41 of the Regulation (I of 1070). (F. B.).— **1 T. L. J.,** *8.*

Ref.—8 T. L. J., 142.

6. Sec. 41 of the Regulation does not benefit a party, who, with notice of a prior valid oral agreement or declaration relating to the property, obtains a registered instrument relating to the same property. The oral agreement or declaration in such case takes precedence over the subsequent registered instrument. The exception in favour of oral agreements followed by possession of movable property does not imply that agreements followed or accompanied by possession of immovable property are superseded by registered instruments. It merely indicates one specific instance which should ordinarily put the subsequent alienee on his inquiry, and leaves undisturbed the operation of the principle that a person who takes a document with notice of a prior agreement holds the property so acquired as trustee of the other.

The Registration statute is not one creating substantive rights and obligations. Its main object is to secure good evidence of title and prevent fraud and forgery. Secrecy is therefore warned against and publicity, subject to certain formalities, is provided for the disposition of property and other transactions. Nevertheless, the Legislature does not force its mandates on individuals who are content to avail themselves of the existing rules of law. The Statute in our State does not prohibit oral alienations of property. It is unfair to assume that what is not intended to be done directly is effected indirectly by enabling parties bound by oral agreements to defraud honest strangers by executing and taking subsequent registered instruments. The argument based on the view that Sec. 41 postpones oral agreements to subsequent registered instruments, in all cases, offends against the fundamental dictates of justice, equity and good conscience (F. B.).—

40 T. L. R., *109* **(14 T. L. J.,** *153*).

Sec. 42 : Case Law.

1. A partition deed which declares rights to movables and immovables included in one list may, though unregistered, be admitted in evidence as to the movables.—

21 T. L. R., *199.*

2. See under Sec. 10.—11 T. L. R., 200.
15 T. L. R., 120.

PART XII.

Of the Duties and Powers of Registering Officers.

(A) *The Register Books and Indexes.*

Register Books to be kept in the several offices.

43. (1) The following Books shall be kept in the several offices hereinafter named, that is to say :—

(a) In all Sub-Registry offices—

Book I. "Register of non-testamentary documents relating to immovable property ; "

Book II. " Register of Wills ;"

Book III. " Miscellaneous Register ;"

Book IV. "Record of reasons for refusal to register."

(b) In the offices of Registrars—Books II and IV and also Book V. " Register of deposit of Wills."

(2) In Book I shall be entered or filed all documents or memoranda registered under Sections 10 and 11 or received under Sections 15, 59, 60 and 84, which relate to immovable property and are not Wills.

(3) In Book III shall be entered all documents registered under Section 11, which do not relate to immovable property.

Endorsements on document presented.

44. (1) (a) The day, hour and place of presentation and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it ;

Receipt for document.

(b) A receipt for such document shall be given by the Registering Officer to the person presenting the same ; and,

Documents admitted to registration to be copied.

(c) Subject to the provisions contained in Section 55, every document admitted to registration shall, without unnecessary delay, be copied in the Book appropriated therefor, as far as possible, according to the order of its admission.

(2) Any interlineation, blank, erasure or alteration which appears in the original document admitted to registration, shall be accurately and carefully noted in the copy thereof entered in the Book.

(3) All such Books shall be authenticated at such intervals and in such manner as may, from time to time, be prescribed by the Rules made under Section 64 of this Regulation.

45. All entries in each Book shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

46. In every office in which any of the Books hereinbefore mentioned are kept, there shall be prepared current Indexes of the contents of such Books, and every entry in such Indexes shall be made, so far as practicable, immediately after the Registering Officer has copied or filed a memorandum of the document to which it relates.

Current Indexes and entries therein.

47. (1) Four such Indexes shall be made in all Registration offices and shall be named respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

Indexes to be made by Registering Officers.

(2) Index No. I shall contain the names and additions of all persons executing, and of all persons claiming under every document entered or memorandum filed in Book I.

(3) In the case of memoranda of decrees and orders filed in Book I, Index No. I shall also contain the names of the plaintiff and the defendant, and, when there are more plaintiffs or defendants than one, the names of the first plaintiff and the first defendant, with the words "and others" following.

(4) Index No. II shall contain the particulars mentioned in Section 14 relating to every document entered, or memorandum or copy of sale certificate filed, as the Director, from time to time, directs in that behalf.

(5) Index No. III shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book III.

(6) Index No. IV shall contain the names and additions of all persons executing every Will entered in Book II and of the executors and persons respectively appointed thereunder, and, after the death of the testator (but not before), the names and additions of all persons claiming under the same.

(7) Each Index shall contain such other particulars and shall be prepared in such Form as the Director, from time to time, directs.

Extra particulars in Indexes.

48. (1) Every Sub-Registrar shall, in the beginning of every month, send to the Registrar to whom he is subordinate, a copy of all entries made by such Sub-Registrar during the preceding month in Indexes Nos. I, II and IV.

Copy of entries in Indexes Nos. I, II and IV to be sent to the Registrar.

(2) The copy so received shall be filed in the Central Record office after examination.

Such copy to be filed in Central Record office.

49. (1) Subject to the previous payment of the fees payable in that behalf, Books I and IV and the Indexes relating to Book I, shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of Section 55, copies of entries in such Books shall be given to all persons applying for such copies.

Registering Officers to allow inspection of certain Books and Indexes and to give certified copies of entries.

(2) Subject to the same provisions, copies of entries in Book II and in the Index relating thereto, shall be given to the persons executing the documents to which such entries relate, or to their agents and, after the death of the executants, but not before, to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book III and in the Index relating thereto, shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative, or to any person applying for the same with a certificate from any Court.

(4) The requisite search under this Section for entries in Book II shall be made only by the Registering Officer.

(5) All copies given under this Section shall be signed and sealed by the Registering Officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) *The procedure on admitting to registration.*

50. (1) On every document admitted to registration, there shall be endorsed, from time to time, the following particulars, namely:—

Particulars to be endorsed on documents admitted to registration.

(a) the signature and addition of every person admitting the execution of the document; and, if such execution has been

admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Regulation; and

(c) any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuse to endorse the same, the Registering Officer shall nevertheless register it, but shall, at the same time, endorse a note of such refusal.

Such endorsement to be dated and signed by Registering Officer.

51. The Registering Officer shall affix the date and his signature to all endorsements made under Sections 44 and 50, relating to the same document and made in his presence on the same day.

Parties to sign their names in full.

52. Wherever practicable, the parties shall be required to sign their names in full in addition to affixing their symbolical signatures (Oppoos), if any, and, on a document being presented for registration, if the Registering Officer finds that the name of the executant in the body of the document itself is not written in full, he shall call on such executant to supply the omission before accepting the document for registration.

Certificate showing that document has been registered and number and page of Book in which it has been copied.

53. (1) After such of the provisions of Sections 27, 28, 44, 50 and 51 as applied to any document presented for registration, have been complied with, the Registering Officer shall endorse thereon a certificate containing the word "registered" together with the number and page of the Book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the Registering Officer and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Regulation, and that the facts mentioned in the endorsements referred to in Section 51 have occurred as therein mentioned.

54. (1) The endorsements and certificate referred to and mentioned in Sections 51 and 53 shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan, if any, mentioned in Section 14, shall be filed in Book I.

Endorsements and certificates to be copied.

(2) The registration of the document shall thereupon be deemed complete and the document shall be returned to the person who presented the same for registration, or to such other person, if any, as he has nominated in writing in that behalf on the receipt mentioned in Section 44.

Document to be returned.

55. (1) When a document is presented for registration under Section 12, the translation shall be transcribed in the Register of documents of the nature of the original, and together with the copy referred to in Section 12 shall be filed in the Registration Office.

Procedure on presenting document in language other than Malayalam or Tamil.

(2) The endorsements and certificate respectively mentioned in Sections 51 and 53 shall be made on the original and, for the purpose of making the copies required by Section 49 and the memoranda under Sections 59 and 60, the translation shall be treated as if it were the original.

56. Every Registering Officer may, at his discretion, administer an oath to any person examined by him under the provisions of this Regulation.

Power to administer oaths.

57. Every Registering Officer may, at his discretion, record the statements made by each person examined and such statements shall be read over, or, if made in a language with which such person is not acquainted, interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such statement, it shall be signed by him and the Registering Officer.

Record of substance of statements.

58. Every statement recorded and signed as in the last preceding Section, shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

Such statements admissible as evidence.

(C) Special duties of Sub-Registrars.

Procedure on registration of document relating to land situate in several Sub-Districts.

59. Every Sub-Registrar, on registering a non-testamentary document relating to immovable property not wholly situate in his Sub-District, shall make a memorandum thereof and of the endorsements and certificate thereon, and send the same, together with the copy of the map or plan, if any, mentioned in Section 14, to every other Sub-Registrar in whose Sub-District any part of such property is situate; and such Sub-Registrar shall file such memorandum and the copy of the map or plan, if any, in his Book I.

Procedure on registration under Section 23.

60. On any document being registered under Section 23, a memorandum of such document and of the endorsements and certificate thereon shall be forwarded together with a copy of the map or plan, if any, mentioned in Section 14, to every Sub-Registrar within whose Sub-District the whole or any part of the property to which the instrument relates, is situate, and the Registering Officer receiving such memorandum shall follow the procedure prescribed for him in Section 59.

(D) The Control of the Registration Department.

Registrar to superintend and control Sub-Registrars.

61. Every Registrar shall exercise such powers of control and supervision over the Sub-Registrars within his District as may be conferred on him by the Rules passed under Section 64 of this Regulation.

Director to superintend and control Registering Officers.

62. (1) Every Registrar and Sub-Registrar shall perform the duties of his office under the superintendence and control of the Director of Registration.

(2) The Director of Registration shall have authority to issue (whether on complaint or otherwise) any order, consistent with this Regulation, which he considers necessary in respect of any act or omission of any Registrar or Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the book or the office in which any document shall have been registered.

Power of the Director of Registration to remit fees or penalties.

63. The Director of Registration may, in the exercise of his discretion, remit, wholly or in part, any fee or penalty levied over and above the amount of the proper registration fee.

Dewan's power to make Rules.

64. (1) The Dewan may, with Our sanction, make, from time to time, Rules consistent with this Regulation,—

(a) providing for the safe custody of books, papers and documents, [* * *] (a)

(b) declaring the languages in which, and the materials on and in and with which, documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

(c) regulating the amount of penalties imposed under Section 17;

(d) regulating the exercise of the discretion reposed in the Registering Officer by Sections 56 and 57;

(e) regulating the authentication by a Registrar or Sub-Registrar of the Books kept in their respective offices under Section 43;

(f) pointing out the course to be adopted by the parties for cancelling the powers-of-attorney granted by them; and

(g) making such further provision as may be found necessary for the working of this Regulation.

(2) The Rules made under this Section shall be published in the Government Gazette and shall then have the same force as if they were inserted in this Regulation.

PART XIII.

Of Refusal to Register.

Reasons for refusal to register to be recorded.

65. (1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his Sub-District, shall make an order of refusal and record his reasons for such order in his Book IV and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No Registering Officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

(a) Repealed by Regulation II of 1098.

66. (1) Except where the refusal is made on the ground of denial of execution or on the ground that the person by whom the document purports to be executed has not appeared before the Sub-Registrar after being summoned, an appeal shall lie against an order of a Sub-Registrar refusing registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order, exclusive of the time occupied in obtaining copy of the order, and the Registrar may reverse or alter such order.

Power to reverse or alter orders of Sub-Registrar refusing registration on ground other than denial of execution.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, exclusive of the time occupied in obtaining copy of the order, the Sub-Registrar shall obey the same, and thereupon, shall, so far as may be practicable, follow the procedure prescribed in Sections 50, 51 and 53 ; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

67. (1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign denies its execution, or on the ground that the person by whom the document purports to be executed, has not appeared before him after being summoned, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, exclusive of the time occupied in obtaining copy of the order, apply to the Registrar to whom such Sub-Registrar is subordinate, in order to establish his right to have the document registered.

Application where Sub-Registrar refuses to register on ground of denial of execution.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under Section 65 ; and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

68. In such case, the Registrar shall, as soon as conveniently, enquire—

Procedure of Registrar on such application.

(*a*) whether the document has been executed, and

(*b*) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

69. (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

Order to register and procedure thereon.

(2) If the document be duly presented for registration within thirty days after the making of such order, exclusive of the time occupied in obtaining copy of the order, the Sub-Registrar shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in Sections 50, 51 and 53.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of an enquiry under Section 68, summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure.

(5) A copy of the order relating to the costs, duly authenticated by the signature and seal of the Registrar, shall, on the application of the party in whose favour such order is passed, be forwarded to the Munsiff within whose jurisdiction the other party resides. The Munsiff shall execute the order in the manner prescribed for execution of decrees, on the application of such party or his representative or assign.

70. (1) Every Registrar refusing to direct the registration of a document under Section 68 or Section 69, shall make an order of refusal and record the reasons for such order in his Book IV, and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

Refusal by Registrar.

(2) No appeal lies from any order under this Section.

Sec. 69 (5): This Sub-Section, which provides for the execution by the Munsiff's Court of the Registrar's orders awarding costs, does not occur in the corresponding Sec. 75 of the Indian Act. It was in Regn. I of 1070, having been put in by the Select Committee, as "Registrars could hardly be expected to execute their orders in the manner provided for in the Code of Civil Procedure."— *S. C. R., Pr. 28.*

Case Law.

When the registration of a document is effected under Sec. 69 of the Regulation (I of 1070) and the executant, plaintiff, comes forward and denies its execution, the burden of proof as to its execution and genuineness is on the executee, defendant.—

20 T. L. R., *216.*

—

71. (1) Where the Registrar refuses to order the document to be registered under Section 66 or Section 69, any person claiming under such document or his representative, assign or agent, may, within ninety days after the making of the order of refusal, exclusive of the time occupied in obtaining copy of such order, institute in the Civil Court of competent jurisdiction within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office, if it be duly presented for registration within thirty days after the passing of such decree; and in the case of an appeal, after the passing of the final decree, exclusive of the time occupied in obtaining copy of the decree.

Suit in case of refusal.

(2) The provisions contained in Sub-sections (2) and (3) of Section 69 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Regulation, the document shall be receivable in evidence in such suit.

PART XIV.

Of the Fees for Registration, Searches and Copies.

72. (1) With Our sanction, the Dewan shall prepare a Table of fees payable—

Fees to be fixed.

(a) for the registration of documents;

(b) for searching the Registers;

(c) for making or granting copies of reasons, entries or documents before, on or after registration;

And of extra or additional fees payable—

(d) for every registration under Section 23;

(e) for filing translations;

(f) for attending at private residences;

(g) for the safe custody and return of documents; and

(h) for such other matters as appear necessary to effect the purposes of this Regulation.

Sec. 71: Case Law.

See under Sec. 4, Regn. VI of 1087.— 34 T. L. R., 91.

(2) The Dewan may, from time to time, with Our sanction, alter such Table.

Alteration of fees.

73. A Table of the fees so payable shall be published in the Government Gazette, and a copy thereof in English and Malayalam or Tamil shall be exposed to the public view in every Registration Office.

Publication of fees.

74. (1) All fees for the registration of documents under this Regulation, and all penalties under Section 17, shall be payable on the presentation of such documents.

Fees and penalties payable on presentation and to be credited to Government.

(2) All such fees and penalties shall be remitted to the Treasury of the Taluk or to such other Treasury as the Dewan may, from time to time, direct, and shall be credited to Government.

PART XV.

Of Penalties.

75. Every Registering Officer appointed under this Regulation and every person employed in his office for the purposes of this Regulation, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the Penal Code, to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

76. Whoever—

Penalty for certain other offences.

Making false statement before a Registering Officer.

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any Officer acting in execution of this Regulation, in any proceeding or enquiry under this Regulation, or

---

Sec. 76: Case Law.

1. On a charge, under Section 76 of the Regulation (I of 1070), for intentionally making a false oral statement on oath in respect of the identity of the executants of a deed produced for registration, where it was urged on behalf of the 1st accused that the charge against him was defectiv ...

(b) intentionally delivers to a Registering Officer, in any proceeding under Section 12, a false copy or translation of a document, or

Delivering false copy or translation.

(c) falsely personates another, and in such assumed character, presents any document, or makes any admission or statement, or causes any summons to be issued, or does any other act in any proceeding or enquiry under this Regulation, or

False personation.

(d) abets, within the meaning of the Penal Code, anything made punishable by this Regulation.

Abetment of offences under this Regulation.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

77. A prosecution for any offence under this Regulation, coming to the knowledge of a Registering Officer in his official capacity, may, with the permission of the Director of Registration, be commenced by the Registrar or Sub-Registrar in whose District or Sub-District, as the case may be, the offence has been committed.

Registering Officer may commence prosecution.

78 (1) Every Registering Officer appointed under this Regulation shall be deemed a public servant within the meaning of the Penal Code.

Registering Officers to be deemed public servants.

---

must fall to the ground as the very words of the false statement, the question and answer, were not set forth nor proved;

Held.—Under Clause (a) of Section 76, intentionally making a false statement before the Registrar whether it has been recorded or not is an offence. It is not necessary nor possible in such a case to give the exact words of the statement or the questions and answers *verbatim*. The indictment clearly charged the accused with having falsely deposed before the Registrar that they knew the executants of the deed and that the individuals who appeared before the Registrar were the persons described in the deed. The evidence in the case proved that the accused made the false statement, almost the very words of it. There was no material defect in the charge or evidence The conviction must therefore be upheld.—**20 T. L. R.**, *229.*

2. The mere assuming a different name will not make any person liable to the punishment under Clause (c) of Section 76 of the Regulation (I of 1070), unless he falsely personates the person of that assumed name and presents the document for registration in that character.—**1 T. L. J.**, *78.*

Sec. 78: The last two Sub-Sections are not in the Indian Act. The whole Section is the same as Sec. 78 of Regn. I of 1070. Sub-Sec. (5) providing for appeals against the orders of Registrars, was put in by the Select Committee, as they thought that "as the orders are of the nature of a criminal

(2) Every person shall be legally bound to furnish information to such Registering Officer when required by him to do so.

(3) In Section 226 of the Penal Code, the words "judicial proceeding" shall be deemed to include any proceeding under this Regulation.

(4) A Registrar shall, but a Sub-Registrar shall not, as such, be deemed a Court within the meaning of Sections 359, 360, 361 and 362 of the Code of Criminal Procedure.

(5) Orders passed by a Registrar under Sections 359, 360, 361 and 362 of the Code of Criminal Procedure, shall be appealable to the Sessions Court within whose local jurisdiction the office of such Registrar is permanently held.

PART XVI.

Miscellaneous.

Destruction of unclaimed documents.

79. Documents, other than Wills and authorities to adopt, remaining unclaimed in any Registration office for a period exceeding one year, may be destroyed.

Registering Officer not liable for anything *bona fide* done or refused in his official capacity.

80. No Registering Officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing so done invalidated by defect in appointment or procedure.

81. Nothing done in good faith, pursuant to this Regulation or any Regulation hereby repealed, by any Registering Officer, shall be deemed invalid, merely by reason of any defect in his appointment or procedure.

Registration of instrument executed by Government Officers or public functionaries.

82. (1) Notwithstanding anything herein contained, it shall not be necessary for any Officer of Government or any public functionary, to appear in person or by agent at any Registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in Section 50.

sentence and the Registrars are District Officers, the appeals should be heard and decided by the Sessions Judge."—

S. C. R. Pr., 31.

Sec. 79: Under the Indian Act, the document should remain unclaimed for a period exceeding two years. This was also the period in Regn. I of 1070. In the Bill which became Regn. II of 1087, the period fixed was six months. The first Select Committee on the Bill observed that this was too short a period and that one year seemed reasonable and had been approved by the Government. Accordingly, this period was adopted.

(2) When any instrument is so executed, the Registering Officer to whom such instrument is presented for registration may, if he think fit, refer to any Officer of Government or any public functionary, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Exemption of certain documents executed by or in favour of Our Government.

83. (1) Nothing contained in this Regulation or in any Regulation hereby repealed, shall be deemed to require or to have at any time required the registration of any of the following documents, namely:—

(*a*) Documents issued by any Officer engaged in making a settlement or revision of settlement of land revenue and which form part of the records of such settlement.

(*b*) Documents and maps issued by any Officer engaged on behalf of Our Government in making or revising the survey of any land and which form part of the record of such survey.

(2) All such documents and maps shall, for the purposes of Section 42, be deemed to have been and to be registered in accordance with the provisions of this Regulation.

Certificates under Civil Procedure Code.

84. Every Court granting a certificate of sale of immovable property under Section 313 of the Code of Civil Procedure shall send a copy of such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such Officer shall file the copy in his Book I.

Registration.—*Other Cases.*

1. The essential constituents of a contract of sale are (1) delivery of the deed of sale and (2) payment of the purchase money. Where, therefore, a party to a contract of sale fails to pay the purchase-money and the would-be vendor consequently refuses to deliver the sale-deed, though registered, the former cannot sue to enforce the contract.—
10 T. L. R., 39.
Appr.—17 T. L. R., 187.
Diss.—17 T. L. R., 177.

2. Where there is a conflict between two registered documents, the priority of title is determined with reference to the order of their dates, and the first in date is preferred to the subsequent one.

The rule which enables a subsequent mortgagee to claim priority over the holder of a prior lien is based upon the grounds that the latter by his negligence indirectly induced the former to accept the mortgage under the *bona fide* belief that, at the date of his contract, there were no encumbrances upon the property and that no amount of diligence on the part of the subsequent mortgagee would have enabled him to discover the existing burdens on the property.

This rule does not apply to registered incumbrances, for the subsequent mortgagee could, by a reference to the public registry of documents relating to real property, discover the existence of prior charges or liens. A subsequent mortgagee who takes no pains to ascertain by application to the Registrar of Assurances the existence of prior titles, is guilty of negligence and could not claim the benefit of the rule which is intended to help the active.— 11 T. L. R., *170*.

3. The registration of a document is a sufficient notice to the world of the existence of such document and its contents.— 13 T. L. R., *151*.

4. When a mortgage is assigned, a special notice of the assignment must be given to the mortgagor either by the mortgagee or his assignee. In the absence of such notice the mortgagor has every right to call upon his mortgagee to surrender the property; and the mere registration of the deed of assignment cannot supply the place of such notice, as the mortgagor has no occasion to consult the registry.— 14 T. L. R., *93*.

Fol.—11 T. L. J., 297.

5. The suit was for recovery of the amount of a mortgage deed or in the alternative for possession of the property mortgaged. The defence was non-payment of consideration for the mortgage deed which was on that account not delivered to the mortgagee but retained by the mortgagor himself after registration: *Held*.—In a case like this, the burden of proof is on the plaintiff, as it is he who should first account for the defendant's possession of the mortgage deed, the delivery of which, under the rulings of the High Court, is essential to pass the title in spite of the registration of the deed.— 16 T. L. R., *54*.

Appr.—17 T. L. R., 187.
Diss.—17 T. L. R., 177.
Cited.—21 T. L. R., 119.
Ref.—24 T. L. R., 254.
Con.—33 T. L. R., 260.

6. Registration is notice to subsequent purchasers and others who may have occasion to make a search in the Registry office and not to persons in the position of Seshakars who may have no occasion to make such search.— 17 T. L. R., *117*.

Fol.—K. P., 553.
Ref.—1 T. L. J., 180.

7. The registration of a mortgage deed, if executed with the free consent of the parties competent to enter into the contract upon which the mortgage was based and if such contract was not made for any unlawful object or unlawful consideration, completed the transfer of property even if the mortgagor did not part with the deed. If part of the consideration was left unpaid the mortgagor must sue for his money but could not say that the mortgage was incomplete (F. B.).— 17 T. L. R., *177*.

Fol.—23 T. L. R., 150.
Ref.—23 T. L. R., 248.
Appr.—21 T. L. R., 119.
Dist.—17 T. L. R., 187.
27 T. L. R., 65.
K. P., 528.
Diss.—33 T. L. R., 260.

8. Where the intention of the parties to a contract of sale was to make a ready payment of the consideration and the vendee had failed to act up to that intention, mere registration cannot complete the sale which may be avoided by the vendor in consequence of the vendee's failure (F. B).— 21 T. L. R, *119*.

Ref.—24 T. L. R., 254.
Con.—33 T. L. R., 260.
Dist.—42 T. L. R., 32.

9. By the execution and registration of a mortgage deed by the party competent to do so, the transaction became a completed one. The presumption in such cases, in the absence of strong circumstances proving the contrary, being that thereby the title was intended to become vested in the transferee, the title to plaint properties had become vested in the plaintiff. It was not competent for defendants who are mere strangers and

trespassers to raise the question of want of consideration.— 23 T. L. R., *150.*

Ref.—2 T. L. J., 178.
5 T. L. J., 64.
31 T. L. R., 134.

10. Mere registration of an hypothecation deed unaccompanied by delivery of the deed does not evidence the intention of the parties to treat the transaction as a completed one.— 24 T. L. R., *254.*

Con.—33 T. L. R., 260.

11. A lease deed which provides only for monthly rent, and not for annual rent, and which does not fix a term, is not compulsorily registrable, and is receivable in evidence though unregistered — 2 S. D., *173.*

12. The trend of the High Court rulings is that registration is no notice except to those on whom it is incumbent to enquire.— 1 T. L. J., *180.*

13. A fictitious parcel may be either (1) an inclusion in the document of a piece of property which has no existence whatever, or, at any rate, no existence within the limits of the registration district; or it may refer to (2) an inclusion of an existing property but one over which the executant of the document has no rights whatever; or it may refer to (3) an inclusion of a property over which the executant has some rights but which rights are not intended to be passed under the document.

The question was whether the inclusion of such a parcel invalidates the registration on account of some express provisions contained in the Registration Regulation, or whether the question was to be regarded from the standpoint of the insertion of the fictitious parcel being a fraud on the Regulation.

Sec. 20 only deals with the situation of the property. Sec. 14 only requires that the property should be sufficiently identified. Under Sec. 10, it is only necessary that the document should purport to create &c., some right, title or interest to or in immovable property. Where, therefore, no part of the property, to which the document on the face of it relates, exists within the jurisdiction of the Sub-Registrar, the registration would on the face of it be invalid under the express provisions of the Regulation. There seems to be no express prohibition against parties to a document inserting as part of the property to be conveyed thereunder a piece of land to which the vendor has no title whatsoever, even though such property is included merely for the purpose of obtaining registration in a particular district. Much less will the registration be invalid if the executants of the documents has some interest in the property within the jurisdiction, even though it is understood between the parties that such interest is not to be affected by the document.

It has to be considered whether the inclusion of property within the District to which the parties have no rights invalidates the registration on the ground of its being in the nature of a fraud. Secs. 23 and 59 would tend to show that the mischief to be guarded against is not a very serious one, as registration in a wrong District, if it may be considered to be a wrong District under the circumstances, would involve registration in the District in which the property was actually situate. This view is strengthened by a consideration of Rule 46 (old) issued under the Regulation (corresponding to Rule 149 of the existing Rules). This practice appears to be not strictly prohibited by the Regulation and there does not seem to be any reason to regard it as necessarily fraudulent.

Therefore, in cases (2) and (3) mentioned at the beginning, the mere fact that the registration of a document has been obtained by means of the entry of fictitious parcel for the purpose of obtaining such registration in a District where no part of the property charged and intended to be charged, in fact, exists, does not on that account alone render the registration invalid (F. B.).— 32 T. L. R., *258* (7. T. L. J., *113*).

14. The question for decision was whether an agreement to sell land to a mortgagee in

possession for a price which included the mortgage amount due to him became a completed and executed sale and operated to pass the title of the vendor to the vendee merely on the execution and registration of the deed; or, whether, in order to have the said operation, delivery of the instrument was also necessary. *Held.*—The execution and registration of the deed did not necessarily make the conveyance between the parties concerned complete. The all-important question was one of intention. In the case under consideration the District Judge had found that the parties did not intend to treat the transaction as a complete sale "until the cash item of consideration was actually paid." The facts concurrently found also led to the same inference. Hence the transfer was incomplete.—

33 T. L. R., *260* (7 T. L. J., *344*).

15. A person in whose favour a sale deed has been executed but not registered before a Court sale of the property covered by such deed of sale can be regarded as one whose immovable property has been sold within the meaning of Sec. 307-A of the Civil Procedure Code, if the deed is duly registered subsequent to the Court sale. The operation of a sale deed is from the date of its execution and not from the date of its registration. And even before registration, the purchaser has such an equitable interest in the property as would give him a right to save it under Sec. 307-A, by making the deposit therein provided.—10 T. L. J., *133*.

16. The mere execution and registration of a document as between strangers would not cast such a cloud on the title of the real owner as would justify him in bringing a suit to declare his title and possession.—

10 T. L. J., *321*.

17. The registration of a deed does not, by the mere fact of registration, become presumptive notice to all mankind. Whether registration is or is not notice in itself depends upon the facts and circumstances of each case, upon the degree of care and attention which an ordinarily prudent man would necessarily take for the protection of his own interest by search into the registers kept under the Registration Act. The question is one of fact and in each case, it should be determined whether, in that individual case, the omission to search the register, taken together with the other facts amounts to such gross negligence as to attract the consequence which results from notice, though circumstances necessary for this purpose may be very slight.— 11 T. L. J., *297*.

Ref.—14 T. L. J., 68.

18. An unregistered document executed by one member of a Hindu family relinquishing all his rights in the family properties, is admissible in evidence to prove a change in status, though it is inadmissible for want of registration to prove a partition.—

15 T. L. J., *186*.

19. See Vol. I, P. 209.—29 T. L. R., *150*.

" II, P. 396—17 T. L. R., *53*.

" under Regn. III of 1094 Sec. 5.—15 T. L. J., 287.

REGISTRATION RULES.

CONTENTS.

Chapter		Rules.
Chapter I	... ...	1–6
„ II	(Section 7)—Registering Officers	7–11
„ III	(Section 8)—Seals ...	12–13
„ IV	(Sections 9 and 43)—Books and Forms ...	14–20
„ V	(Section 12)—Languages.	21–22
„ VI	(Section 14)—Description of Property ...	23–24
„ VII	(Sections 13, 14, 20, 21, 25, 33 and 44)—Presentation and Examination of Documents ...	25–33
„ VIII	(Sections 17 and 27)—Delay in Presentation of Documents ...	34–37
„ IX	(Section 28)—Examination of parties ...	
	A. Executing parties ...	38
	B. Enquiry before registration ...	39–44
	C. Identification of parties ...	45–51
„ X	(Sections 24, 26 and 31)—Attendance at Private Residences ...	52–59
„ XI	(Section 26)—Powers-of-attorney ...	60–64
„ XII	(Sections 29 to 32)—Enforcement of Appearance of Parties ...	65
„ XIII	(Sections 33 and 34)—Wills	66–72
„ XIV	(Sections 35 to 39)—Sealed Covers containing Wills.	73–79
„ XV	(Sections 44, 50, 51 and 53)—Endorsements and Certificates	80–93
„ XVI	(Sections 44 and 54)—Receipts for Documents, &c., and Return of Documents	94–105
„ XVII	(Section 44)—Register Books	106–117
„ XVIII	(Sections 46 to 48)—Indexes	118–126
„ XIX	(Section 49)—Searches and Copies ...	127–134
	Certificates of Encumbrances	135–138
	Production of Register Books in Court ...	139
„ XX	(Sections 56 to 58)—Administration of Oath and Record of substance of Statements ...	140–142
„ XXI	(Sections 59 and 60)—Transmission of Memoranda and Copies ...	143–147
„ XXII	(Sections 61 and 62)—Errors in Registration.	148–150
„ XXIII	(Sections 65 and 70)—Refusal to Register ...	151–155
„ XXIV	(Sections 34 (ii) and 66 to 70)—Appeals and Applications ...	156–167
„ XXV	(Sections 63 and 74)—Fees and Fines ...	168–174
„ XXVI	(Section 77)—Prosecutions ...	175
„ XXVII	[Section 64 (1) (a)]—Preservation and Destruction of Records ...	176–180
„ XXVIII	(Section 79)—Unclaimed documents ...	181–184

Chapter		Rules.
,, XXIX	Inspections and enquiries by Registrars...	185–186
,, XXX	Powers of the Director of Registration, of District Registrars and Sub-Registrars	... 187–190

Appendix I (Rule 14).
,, II (Rule 143).
Appendix III (Rule 57).
,, IV (Rule 80).
,, V (Rule 118).
(Rule 121).
,, VI (Rule 59).

Table of Fees under Section 72.

RULES.

(No. J. 6287, dated 9th July 1920). [(a)]

In supersession of the Rules under Section 64 of the Registration Regulation, II of 1087, dated the 23rd November 1911, the following Rules are passed, with the sanction of His Highness the Maha Raja, with effect from the 1st [Vrischikom] [(b)] 1096.

[As amended.]

CHAPTER I.

1. The offices of all Registrars and Sub-Registrars shall be open for at least six hours daily, Sundays and other holidays excepted. The usual office hours shall be from 11 A. M. to 5 P. M. and these shall not be altered except with the approval of the Director of Registration. When these hours are altered in any office with the approval of the Director of Registration, a notice showing the altered hours shall be affixed in a prominent place in the office for the information of the public.

2. A Registering Officer may attend his office and accept documents for registration earlier than 11 A. M. when the work of registration is heavy; but he may decline to accept a document if presented after 3 P. M. when he has sufficient work to attend to after that hour in connection with documents previously accepted for registration.

3. Every registration office shall observe the general, special and local holidays notified by Government from time to time.

4. A document shall not be accepted for registration, on an authorised holiday.

(a) *T. G. G., dated 20-7-1920, Pt. I, Pp. 715–752.*

(b) Substituted for 'Chingom' by Notification No. J. 8649, dated 14th September 1920—*T. G. G., dated 21-9-1920, Pt. IV, Registration Department, P. 316.*

There is, however, no objection to the acceptance of a document at a private residence, on any authorised holiday, nor to its registration on such day.

5. All documents that are eligible for registration shall, ordinarily, be registered and returned on the day of their acceptance.

6. A registered document may be returned on any authorised holiday, should the Registering Officer happen to be in the office.

CHAPTER II (Section 7).

Registering Officers.

7. (i) A Registering Officer shall, unless specially permitted by the Director of Registration, live within a mile's distance from his office.

(ii) A notice stating where the Registering Officer lives shall be affixed outside each Registration office.

8. A District Registrar shall report to the Director of Registration whenever he leaves his Head-quarters otherwise than on duty in his District.

9. A Sub-Registrar shall obtain the previous sanction of the Director of Registration for leaving his Head-quarters otherwise than on duty within his Sub-District.

10. Where there are more Sub-Registrars than one at the Head-quarters of a District, the Principal Sub-Registrar shall perform the duties of a Registrar during the latter's absence; also in such cases, the Principal Sub-Registrar alone shall have power to receive and register documents under Section 23 of the Registration Regulation.

11. The Registrar and the Principal Sub-Registrar shall not ordinarily be absent from the Head-quarters at the same time, whether on casual leave or otherwise. In case, however, both the Officers happen to be so absent, the other Sub-Registrar, or if there are more than two Sub-Registrars at the Head-quarters of a District, the senior among the other Sub-Registrars, shall perform the duties of the Registrar. Where there is only one Sub-Registrar at the Head-quarters of a District and the Registrar and the Sub-Registrar happen to be absent at the same time, the Director of Registration may authorise any Sub-Registrar subordinate to such Registrar to perform the duties of the Registrar.

CHAPTER III (Section 8).

Seals.

12. (i) The seal shall always remain in the personal custody of the Registering Officer.

(ii) It shall be used in authenticating—

(*a*) the certificates endorsed on registered instruments under Section 53;

(*b*) powers-of-attorney attested under Section 26;

(*c*) commissions issued under Sections 26 and 31;

(*d*) certified copies under Section 49;

(*e*) memoranda and copies of maps or plans forwarded under Sections 59 and 60 and under Rules 25, 146 and 149 (iii);

(*f*) copies of orders of refusal to register, granted under Sections 65 and 70;

(*g*) copies other than those above referred to, granted to parties;

(*h*) certificates and lists granted to applicants under Rule 135;

(*i*) copies of judgments of Registrars in appeal cases; and

(*j*) reproduced entries of old registers.

13. Should a Registering Officer find himself temporarily unprovided with the prescribed seal, registration shall, nevertheless, proceed as usual, and such documents as have been transcribed shall remain in his custody until the seal can be applied to the registration certificate.

CHAPTER IV (Sections 9 and 43).

Books and Forms.

14. (i) The Registers shall be in the Forms shown in Appendix I. Book I shall contain 300 pages, Books II and III shall contain 120 pages each, and Books IV and V shall contain 40 pages each.

(ii) A smaller volume of Book I containing 120 pages shall be brought into use towards the end of the year, if it appears to the Registering Officer that a fresh volume containing 300 pages then taken up would not be exhausted by the end of the year.

(iii) Where necessary more than one volume of the same class may be used simultaneously for the registration of documents. The several volumes of such class of Registers shall be serially numbered for each year.

15. (i) A file book shall be maintained in each Sub-Registrar's office corresponding with Book I. In it shall be filed—

(*a*) copies and translations of documents received under Section 12 or under Rule 21;

NOTE:—The copies and translations placed in the file shall be connected by cross reference with the entry in the Register.

(b) maps and plans mentioned in Section 14;

(c) memoranda of registered instruments received under Sections 59 and 60 and copies of maps or plans, if any, attached thereto;

(d) copies of certificates and orders received under Section 84.

(ii) A separate file shall also be opened for filing memoranda of decrees and orders of Courts received under Section 15.

16. File books shall be maintained, similarly, corresponding with Books II and III, in which shall be filed copies and translations of documents received under Section 12, and memoranda received under Rule 146.

17. (i) The File books shall contain such number of papers as the Director of Registration may, from time to time, prescribe.

(ii) Each volume of the File book shall have a number assigned to it in the general series of the Registers.

(iii) The copies and translations under Section 12 shall be prepared in printed Forms furnished by Registration offices.

18. When a person or a firm having occasion to register a considerable number of documents in the same form, *e. g.*, Kanapattom leases, fund mortgages, bonds, debentures, intimates the fact to a Registering Officer, a book containing as many papers as are required for entering the documents may be brought into use with the special sanction of the Director of Registration.

19. (i) The Director of Registration shall, from time to time, arrange to supply the Registrars, Sub-Registrars and Courts, on their requisition, with Register books and Forms for their use.

(ii) Every Sub-Registrar shall, at all times, have a reserve supply of Register books, thumb-impression registers, sheets of indexes and receipt books.

(iii) (a) Every Sub-Registrar shall, on receipt of a supply of Register books or thumb-impression registers, examine them, and when no defects are noticeable submit a report to the Director of Registration within a fortnight of the receipt of the supply, stating that the books or Registers have been duly examined and found to be in good condition.

(b) Any copy or Register which is damaged or incomplete or otherwise unfit for use shall be put aside with a memorandum attached to it to show in what particulars it is defective. A copy of the memorandum shall be submitted immediately to the Director who shall thereupon take such steps as may be necessary to complete, correct, or replace the book or Register.

(iv) In the case of a book or Register ordered to be retained after correction, the memorandum shall be removed and destroyed and a certificate showing the defects noticed and their rectification, shall be added by the Sub-Registrar on the back of the fly-leaf.

20. If owing to any unforeseen circumstance it so happens that a Sub-Registrar has no blank Register in stock, instruments tendered for registration shall, nevertheless, be received as usual, the necessary enquiries shall be held and the prescribed endorsements on the documents shall be entered. As, however, the certificate of registration cannot be added until the instrument has been copied into the Register book, the instruments, in all such cases, shall remain in the custody of the Sub-Registrar until they have been copied into a Register book and the process of registration has been completed.

CHAPTER V (Section 12).

Languages.

21. (i) The stamp-vendor's endorsement on a document shall be considered to be a part of the document and if it is not in Malayalam or Tamil, the party concerned shall be required to file a translation.

(ii) No fee is leviable for filing such a translation.

22. (i) There is no objection to attest a power-of-attorney written in English.

(ii) The endorsement on such a power-of-attorney may be written in English if the executing party so desires.

CHAPTER VI (Section 14).

Description of Property.

23. (i) The description of immovable property required by Section 14 shall, as far as possible, give the following particulars :—

(a) The registration District;

(b) the registration Sub-District;

(c) the Taluk;

(d) the Pakuthi; and

(e) any well-known sub-division of the Pakuthi such as muri, desam, chery and kara.

[(ii) The area of immovable property to which a document relates shall be specifically mentioned in it, in acres and cents.] (a)

(a) Added by Government Notification dated 14th May 1924—*T. G. G., dated 20-5-1924, Pt. IV, Registration Department.*

24. If property is described in a document by a specific reference to an instrument which has been—

(a) registered in the office in which the document is presented for registration, or

(b) registered in another office from which a memorandum of the instrument under Section 59 or Section 60 has been received and filed in the office in which the document is presented for registration,

the Director of Registration may, in his discretion, order the registration of the document, provided that the previously registered instrument contains the particulars required by Section 14 and such a description of the property as is required by the Rules in force.

CHAPTER VII (Sections 13, 14, 20, 21, 25, 33 and 44).

Presentation and Examination of Documents.

25. (i) A Sub-Registrar having jurisdiction to accept a document for registration at the time of its presentation to him shall complete its registration notwithstanding the fact that the Pakuthi, in which the property to which the document relates is situated, has been transferred from his jurisdiction subsequent to the presentation of the document but before completion of its registration. But he shall send a memorandum of the document without levy of any fee, to the office to whose jurisdiction the Pakuthi has been transferred, for the purpose of being filed in File Book I of that office.

(ii) When, after the refusal to register by a Sub-Registrar but whilst the document is on appeal or in a suit before a Civil Court, the Pakuthi, in which the property to which the document relates is situated, is transferred to the jurisdiction of another Sub-Registrar, the document, if the Registrar or the Civil Court orders its registration, shall be re-presented to the Officer to whose Sub-District the Pakuthi has been transferred.

26. (i) A document for registration shall be presented in person with the prescribed fees, direct to the Registering Officer and not to a clerk or peon.

(ii) A document shall not be accepted if transmitted by Anchal or British Post.

27. Every document shall, before acceptance for registration, be examined by the Registering Officer to ensure that all the requirements prescribed in the Regulation and Rules have been complied with. If there is any informality in presentation of a nature which can be remedied, the Registering Officer shall give the party such information as may be necessary and return the fee and the document with a view to the document being presented again in due form. For instance, in such cases as those mentioned below he shall explain the defect to the

[faint library stamp]

presentant :—if the document is presented in the wrong office; if an agent has come without a power-of-attorney or without such a power as the Regulation requires; if the description of the property is either insufficient for purposes of identification or does not fulfil the requirements of Section 14 and Rules 23 and 24: if the document is not accompanied by a translation and true copy when such translation and copy are necessary; if it is not accompanied by a copy of a map or plan, when such copy or plan is required for transmission to another Officer; if there are unattested interlineations, alterations, erasures or blanks, which in the opinion of the Registering Officer require to be attested; if the date of execution is not given in the document or if it is anterior to the purchase of the stamp paper on which the document is written, or if the date is given according to both the English and the Indian calendars and those dates do not tally. The action of the Registering Officer in this respect shall be confined to advice and he shall not himself alter the document in any way.

28. All important interlineations, alterations, erasures or blanks occurring in a document shall be attested by the executant or any one of the executants (and not by his agent or representative). A note of such interlineations, &c., shall, wherever possible, be made at the foot of the document and signed by the executant or executants. When any document does not contain such footnote, the Registering Officer shall, at the time of registering the document, make a note in the Register book, of the interlineations, alterations, erasures or blanks in the document.

29. Every copy of a map or plan accompanying a document shall be certified to be a true copy and shall be attested by the signature of the person executing the document or of his duly authorised agent.

30. When a document is presented for registration in duplicate or duplicates, the Registering Officer shall treat the duplicates as such, if they are exact reproductions of the original and bear the same date. Should any discrepancy be detected between the original and duplicates, the presenting party shall be required to reconcile it before the document is accepted for registration. If the original contains a map or plan, a copy shall be annexed to the duplicate or to each of the duplicates.

31. (i) If there are no impediments, such as those mentioned, to the acceptance of a document for registration or if the document is presented again after any such impediments have been removed, the Registering Officer shall endorse on the document, the date, the hour and the place of presentation and take the signature of the presenting party to such endorsement.

(ii) If, however, any of the impediments referred to above is discovered after the presentation endorsement has been made, the document may be returned for correction or amendment if the party so desires, with an endorsement to that effect. Should the document be presented again, a re-presentation endorsement shall be made.

32. (i) If the period prescribed for presentation has elapsed, but the document is still admissible on payment of a fine, the document may be accepted for registration on payment of such fine.

(ii) If the document is chargeable with duty under the Stamp Regulation and is not duly stamped, it shall be impounded under Section 35 of the Stamp Regulation and dealt with under Section 37 or Section 40 of that Regulation, registration being suspended.

(iii) Prior to sending a document to the Division Peishkar, the Registering Officer may, however, record the admission of the execution and the examination of witnesses if any.

(iv) If a document is dutiable under the Court Fees Regulation and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it in order that the stamp duty or the deficiency in the stamp may be made good.

33. If a party under a document is in doubt about the proper stamp and consults a Registering Officer on the subject before formal presentation, the required information may be given without impounding the document. It should be explained to the party at the same time that if he wishes to obtain an authoritative opinion, he must apply to the Division Peishkar under Section 33 of the Stamp Regulation.

CHAPTER VIII (Sections 17 and 27).

Delay in Presentation of Documents.

34. (i) The date of execution of a document is the date on which it is signed by the party, and the date which a document bears at its head is not necessarily the date of its execution, though it is *prima facie* so.

(ii) An alteration in the date of execution of a document, made ostensibly for the purpose of evading payment of the penalty leviable under Section 17 of the Regulation, shall not be recognised, and the document shall be treated as having been executed on the date originally entered therein.

(iii) If the date of execution is not stated or if it is altered or if the document bears an impossible date or a fictitious date anterior to the purchase of stamp on which the document or any portion of it is written, the document shall be refused registration if the correct date cannot be ascertained.

35. The fines for delay in presentation under Section 17, shall be regulated as follows :—

(a) When the delay does not exceed 30 days after the expiration of the time allowed for presentation—a fine equal to twice the registration fee.

(b) When the delay exceeds 30 days but does not exceed 60 days—a fine equal to five times the registration fee.

(c) When the delay exceeds 60 days but does not exceed 90 days—a fine equal to ten times the registration fee.

NOTES.—(1) The fine shall be levied in addition to the proper registration fee.

(2) The term "registration fee" as used in this Rule does not include the fees payable for registration under Section 23 or for filing a translation under Section 12, or fees for memoranda or for attendance at private residence.

36. When a document is presented for registration in duplicate or duplicates, the fine leviable under Rule 35 shall be calculated for the original document only.

37. In computing the time allowed for presentation of documents under Sections 16 and 17, the date of execution shall be excluded.

CHAPTER IX (Section 28).

Examination of parties.

A. *Executing parties.*

38. (i) The expression "A person executing a document" shall be held to include—

(a) any person who becomes surety for the payment of a loan or the fulfilment of a contract and in that capacity affixes his signature to a document;

(b) any person who endorses a negotiable instrument;

(c) any person who signs a receipt or a discharge endorsed on a document;

(d) any person who signs a document as an executant in token of his assent to the transaction and not merely as a witness, even though he may not be described as an executant in the body of the document.

(ii) In the case of a document purporting to be executed by an attorney or by a guardian of a minor or by a legal curator of an idiot or lunatic, such attorney or guardian or curator shall be held to be a person executing the document for the purpose of Sections 25, 27, 28 and 50 of the Regulation; but for the purposes of Section 47, the principal or minor or idiot or lunatic as well as the attorney or the guardian or curator shall be considered to be the executing parties.

B. *Enquiry before registration.*

39. As a general rule, registration shall take place in public, but the Registering officer may, on the application of a party and if he considers such a course to be called for, exclude the public during the course of any enquiry.

40. It forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:—

(*a*) That the parties appearing or about to appear before him are not the persons they profess to be;

(*b*) that the document is forged;

(*c*) that the person appearing as a representative, assign or agent has no right to appear in that capacity;

(*d*) that the executing party is not really dead, as alleged by the party applying for registration; or

(*e*) that the executing party is a minor or an idiot or a lunatic.

41. The term "representative" as used in the Regulation includes not only the guardian of a minor and the committee or other legal curator of a lunatic or idiot, but also the executors, administrators and heirs of a deceased person; and in the case of an Officer acting on behalf of the British Indian Government, a subordinate Officer deputed by him. Satisfactory proof of the right of a person to apppear in any of these capacities shall be adduced before he is permitted to present a document or to admit or deny its execution.

42. A Registering Officer should form his own opinion as to whether a party appearing before him as executant of a document is a minor, a lunatic or an idiot. He is not expected to hold an elaborate enquiry, although, if he so desires, he may examine on the point any one present in the office.

43. When (1) a non-testamentary document is presented for registration after the death of the executant, or (2) the executant dies after the presentation of a document by the claimant or his representative, assign or agent and admission of execution, the Registering Officer shall ascertain by examining the presentant who the representatives or assigns of the executant are, and refer, if he considers it necessary, to the Provarthikar for information on this point. A day shall be fixed for the appearance of persons claiming to be representatives or assigns for examination in connection with the document and summons shall be issued to such of them as cannot be produced by the presentant. A notice of the fact of the intended enquiry shall be posted in the office premises and in the Pakuthi Cutcherry of the village in which the deceased resided.

The cost of the service of summons and the notices shall be levied from the person who presented the document for registration.

If on the notified day the persons summoned appear and admit execution and if any other person claiming to be a representative or an assign who may appear on that day admits execution, the document shall be registered. Should any representative or assign, of whose right to appear as such the Registering Officer is satisfied, deny execution or wilfully avoid appearance, the document shall be refused registration *in toto*.

44. (i) A document executed by a person who is unable to read shall be read out and, if necessary, explained to him and the Registering Officer shall satisfy himself that the executant clearly understands the purport of the document. A document written in a language not understood by the executing party shall, in like manner, be interpreted to him.

(ii) Persons who are deaf, dumb or blind are not thereby incapacitated from executing or admitting the execution of documents if they are able to understand the nature and consequences of their act.

C. *Identification of parties.*

45. The identity of parties appearing before the Registering Officer should, if possible, be proved by the testimony of persons who are personally known to himself, or when this is not procurable, by the most trustworthy evidence which may be available. The attesting witnesses to a document need not necessarily be examined to prove the identity of parties.

46. (i) A Registering Officer may require any executant, claimant or identifying or other witness regarding whose identity he has to satisfy himself, but who is not personally known to him, to affix in his presence, whether such person can write his name or not, the impression of the bulb of his left thumb both in the Register of thumb impressions maintained in each Registration office in the Form shown in Appendix III, or in such Form as the Director of Registration may fix from time to time, as well as on the document presented for registration.

(ii) Such impression shall invariably be taken in the case of executants who are not personally known to the Registering Officer.

(iii) The impressions shall, except in the case of gosha women, be taken in the Registering Officer's presence and under his supervision.

47. If the left thumb does not give a clear impression or is non-existent, the impression of any finger of the left hand shall be obtained. Failing this, the impression of the right thumb, or if that also is non-existent or deformed, of any finger of the right hand, shall be taken. In cases where a digit other than the left thumb is used, the digit from which the impression is taken and the hand shall be specified next to the impression taken on the document and below the impression

in the thumb-impression Register. A note explaining why the impression of that particular digit was taken shall be entered in the thumb-impression Register.

48. Thumb-impression shall be dispensed with in the case of a person suffering from leprosy or contagious disease. In such cases a note should be entered in the Register of thumb-impressions explaining the circumstances under which it has not been obtained.

49. The signature of every person shall be taken next to his impression in the Register of thumb-impressions. The Registering Officer himself shall, in the case of a marks-man, write the name against the mark. He shall add below each signature or mark his initials and the date on which the impression is taken.

50. The Registering Officer shall add a certificate at the foot of each page of the thumb-impression Register to the effect that each impression on the page has been affixed in his presence and under his supervision by the person whose name is entered next to it. This certificate shall be signed and dated by the Registering Officer when the page is closed.

51. In the case of a gosha woman who does not appear before the Registering Officer and whose examination in connection with the registration of a document or the attestation of a power-of-attorney has therefore to be conducted through another person, the finger impression shall be taken by that other person who shall be clearly instructed as to the process. In this case the certificate mentioned in Rule 50 should be altered as shown below :—

"Each impression on this page excepting that of ...... which was taken by A. B. (with addition) under my instructions has been affixed in my presence, &c."

CHAPTER X (Sections 24, 26 and 31).

Attendance at Private Residences.

52. (i) In ordinary cases the registration or deposit of documents shall be made only at the Registration office. But in the case of the following persons the Registering Officer may attend at a private residence for the purpose of accepting, or recording the admission of execution of a document, or for accepting for deposit a sealed cover containing a Will, or for attesting a power-of-attorney :—

(1) Persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend ;

(2) persons who are in Jail under Civil or Criminal process ; and

(3) persons exempt by law from personal appearance in Court.

(ii) (1) Persons exempt by law from personal appearance in Court are,

(a) women who, according to the customs and manners of the country, ought not to be compelled to appear in public, and

(b) persons of rank specially exempted by Government,

(2) A list of persons exempted under Sub-clause (*b*) shall be obtained by the Registrar from the High Court or District Court and communicated to every Sub-Registrar in his District.

53. An application for attendance at a private residence shall be in writing and shall, in all possible cases, be signed by the person on whose behalf attendance is required. It need not be stamped.

54. A requisition for attendance at a private residence shall be complied with as early as possible, but without prejudice to the Registering Officer's regular business of his office. Every such attendance shall be reported to the Director of Registration within 24 hours. The Director of Registration shall satisfy himself that the Registering Officer's absence from his station was not longer than was necessary.

55. A Registering Officer is not permitted to take a clerk with him when proceeding on a private residence.

56. Except in very special and emergent cases attendance at a private residence shall not be made after sunset.

57. A District Registrar may attend at a private residence situated anywhere within the limits of his District; but a Sub-Registrar shall not proceed out of his Sub-District for the purpose, even when he is in charge of the District Registrar's office.

58. (i) When in the course of attendance at a private residence the Registering Officer is required to accept for registration or to record the admission in respect of several documents executed by one person, or to record in respect of the same document or documents, the admission also of other persons residing together and entitled to the concession, the request may be complied with, without levy of additional attendance fee.

(ii) Similarly several powers-of-attorney executed by the same person or signatures to a joint power-of-attorney of several persons residing together and entitled to the concession may be attested by the Registering Officer in the course of attendance at a private residence without levy of additional attendance fee.

[Provided that, in the cases mentioned in Sub-rules (i) and (ii), the admission of executants not entitled to the concession may also be recorded, or their execution of powers-of-attorney may also be attested on payment to the Registration Officer of Rupees two in respect of each such executant.] (*a*)

59. (i) A commission issued under Section 26 or Section 31 shall be prepared in the Form shown in Appendix VI, and shall, when the person to be examined is the executant of a power-of-attorney under Section 26, be addressed ordinarily by the Registering Officer to one of his clerks.

(*a*) Added by Notifn. No. 1417/Jndl., dated 19-5-1924 —*T. G. G., dated 27-5-1924 Pt. IV., Registn. Dept., P. 87.*

(ii) When the commission is for the examination of an executant and has been executed, the commissioner shall return the document to the office from which it was issued, endorsed as follows :—

"Having attended the residence of A B. (with addition,) at ... .I have this day examined the said A. B. who has been identified to my satisfaction by C. D. (with addition) and E. F. (with addition) and the said A. B. admitted (or denied) the execution of this document (or the voluntary execution of this power-of-attorney).

Full signature of executant.

Left thumb-impression of executant.

Signature of witnesses.

Date.

Signature of commissioner.

(iii) When receipt of consideration is acknowledged before the commissioner, he shall add the following Clause to this endorsement :—

"and acknowledged receipt of Rs................ (or goods to be specified), being consideration in whole (or in any part)".

(iv) Where consideration is paid in the presence of the commissioner, he shall add the following to the endorsement :—

"I also certify that Rs.................(or goods to be specified) were paid (or delivered) in my presence to the said A. B. by...................."

The signature of the payer and payee shall also be taken below the document, as provided in the specimen in Appendix IV.

(v) On receiving the commissioner's report the Registering Officer shall, if satisfied as to the execution of the document or its denial, make the following endorsement below the report :—

"From the foregoing report, I am satisfied that the execution of this document (or the voluntary execution of this power-of-attorney) has been admitted (or denied) by the said A. B.

Date.

Signature of the Registering Officer.

CHAPTER XI (Section 26).

Powers-of-attorney.

60. (i) When a power-of-attorney is executed before a Registering Officer he shall, after satisfying himself of the identity of the party and obtaining, when necessary, his left thumb-impression against his signature, authenticate it in the following form :—

No......... of 110......

Executed in my presence at......this......day of ...110 ...by A. B. who is personally known to me [or whose identity is proved by (signature of) C. D. (with addition) and (signature of) E. F. (with addition)].

Date.

Signature of Registering Officer.

(Seal)

(ii) When a power-of-attorney which has been executed before a Registering Officer has been presented to him for authentication under the Proviso to Section 26 of the Regulation, the Registering Officer shall adopt the following form of authentication :—

I certify that I have satisfied myself, on examining at......this......day of 110 ...(signature of) A. B; that this power-of-attorney has been voluntarily executed by the said A. B. who purports to be the principal and who is personally known to me [of whose identity has been proved by (signature of) C. D. (with addition) and (signature of) E. F. (with addition)].

Date.

Signature of Registering Officer.

(Seal)

(iii) In authenticating a power-of-attorney which occupies more than one sheet of paper, the seal and signature of the Registering Officer shall be applied to each sheet.

(iv) Every interlineation, blank, erasure or alteration in the body of a power-of-attorney, shall, at the time of authentication, be detailed in a foot note below the endorsement of authentication and signed by the Registering Officer even if the party himself has entered a similar note in the document. If there are no interlineations, &c., in the body, the fact should be noted in the same way.

61. A power-of-attorney may be registered like any other document.

62. (i) If a document is presented for registration under a special power-of-attorney, the power shall be retained and filed in the office with the following endorsement :—

No......of 110......

Presented with document No......of 110......of Book......Vol......

Date.

Signature of Registering Officer.

(ii) If a document is presented for registration under a general power-of-attorney, the power shall be returned with the following endorsement :—

No......of 110......

Presented with document No......of 110......of Book......Vol......

Date.

Signature of Registering Officer.

(iii) When a document is presented for registration by a person entitled to present it and execution is admitted by an agent under a power-of-attorney, the following endorsement shall be made on the power which shall be retained and filed or returned according as it is a special or general power :—

*No......of 110 . ...

Presented in connection with document No...of 110 of Book... Vol......
Date.

Signature of Registering Officer.

*Number required only in the case of special power.

63. An abstract shall be retained of each power-of-attorney authenticated by a Registering Officer, whether such power is general or special. The abstract shall be signed by the Registering officer and kept in the office. The notes of interlineations , blanks, erasures and alterations made by the Registering Officer on the original power shall be copied verbatim in the abstract.

64. (i) A party who wishes to cancel a power-of-attorney granted by him for registration purposes, being unable to obtain its surrender from the grantee, shall apply by petition to the Registering Officer within whose jurisdiction such power was originally attested or was intended to operate, to have the same revoked.

(ii) A fee of one rupee shall be levied on every such petition presented.

(iii) The Registering Officer shall, on presentation of the petition, satisfy himself as to the identity of the party presenting it, in the manner provided in connection with the registration of documents.

(iv) Such petition shall then be countersigned by the Registering Officer and filed in the office. The countersigned petition shall have the effect of cancelling the power-of-attorney.

(v) The cancelling petition shall contain a request to the Registering Officer that the revocation of the power-of-attorney be notified in the Gazette. An advertisement to this effect on a separate paper shall form an enclosure to the said petition, and the same shall be duly signed by the party.

(vi) The said Notification in the Gazette shall be in the following Form :—

Year, month and date of the power-of-attorney.	Name of the grantor.	Name of the grantee.	Local limits in which the power-of-attorney had force.	Year, month and date of cancelling.

Station.
Date.

Signature in full.

(vii) The Registering Officer shall send such Notification duly signed by him to the Director of Registration who shall cause it to be published in the Government Gazette without delay.

(viii) The date on which the Gazette containing a cancelling Notification reaches a Registering Officer shall be regarded as the date of revocation of the power-of-attorney in Districts or Sub-Districts other than that in which the cancelling petition was attested.

(ix) No Registering Officer shall thereupon take any action on such cancelled power-of-attorney.

(x) All the charges relating to the publication of such Notification shall be borne by the party at whose instance it is published.

CHAPTER XII (Sections 29 to 32).

Enforcement of Appearance of Parties.

65. Any person requiring a summons to be issued under Section 29 shall deposit with the Registering Officer the process-fee payable as well as the amount required to cover the expenses of the person summoned. The sum so deposited shall be remitted by the Registering Officer at the expense of the party concerned to the District Munsiff within whose local jurisdiction the person to be summoned resides. If any person, without lawful excuse, fail to comply with a summons, the Registering Officer may, if the applicant for the summons so desires and deposits the requisite fee, apply to the Munsiff who issued the summons, in order that steps may be taken to enforce the attendance of such person under Section 169 of the Civil Procedure Code.

CHAPTER XIII (Sections 33 and 34).

Wills.

66. (1) When a Will is presented for registration after the death of the testator, the Registering Officer shall, after endorsing thereon, the date, hour and place of presentation and after obtaining the signature of the presenting party, fix a day for the enquiry contemplated by Section 34 (2) of the Regulation and shall cause a notice of the enquiry—

(a) to be served on the person to whom, in his opinion, special notice should be given;

(b) to be posted in a conspicuous part

(i) of the registration office;

(ii) of the house in which the testator lived; and

(iii) of the villages where the testator lived, where interested parties may reside and where the property of the testator is situated; and

(c) to be published in the Government Gazette.

(2) The cost of service of the notice and of its publication shall be levied in advance from the person who presents the document for registration.

67. (i) If a person presenting a Will or a person who objects to the registration of such a document on the ground that it was not executed by the testator or that the testator is not dead or that the person presenting the document is not entitled to present the same under Section 34 of the Regulation, desires that witnesses should be summoned, the request shall be complied with.

(ii) In causing the service of summonses to witnesses under this Rule and of the notices of enquiry mentioned in Rule 66, the Registering Officer shall follow the procedure prescribed in Section 29 of the Regulation and Rule 65.

68. (i) As each person is examined his signature shall be obtained on the document below the endorsement of presentation in the following form :—

The witnesses whose signatures are affixed below have been examined under Clause (2) of Section 34 of the Registration Regulation in reference to the document.

A. B. with addition
C. D. Do.
E. F. Do.

1st Chingom 1095. Signature of Registering Officer.

G. H. with addition
I. J. Do.

2nd Chingom 1095. Signature of Registering Officer.

K. L. with addition
M. N. Do.

10th Chingom 1095 Signature of Registering Officer.

(ii) If after the conclusion of the examination of witnesses, the Registering Officer should decide to register the document, an endorsement in the following Form shall be made on it and its registration shall be completed.

I am satisfied from the evidence of the witnesses whose signatures appear above—

(a) that the Will was executed by the testator,

(b) that the testator is dead, and

(c) that the person presenting the Will is entitled to present the same.

Date. Signature of Registering Officer.

(iii) Should the Registering Officer decide to refuse, the usual endorsement of refusal shall be entered on the document.

69. A Registering Officer when enquiring under Section 34 (2) into the execution of a Will, shall invariably, before registering the document or refusing registration, prepare and place on record a memorandum containing a summary of the evidence and the reasons for registration or refusal, as the case may be.

70. A Will presented for registration after the death of the testator, may be returned to the presentant unregistered, if he so desires, unless it appears that the document is forged.

71. A revocation or cancellation of a Will, shall be treated as a document of testamentary character and shall be registered in Book II.

72. (i) Wills registered or refused registration in a Sub-Registry office which remain unclaimed for a period of over two years shall be forwarded to the Registrar's office for safe custody, a note to that effect being entered against the original entry in the office returns.

(ii) If the person entitled to claim the return of a Will applies to a Sub-Registrar for its return after the document has been transmitted to the Registrar's office, he should be advised to obtain it from the Registrar direct. If he is unwilling to do so, the Will should be obtained from the Registrar by the Sub-Registrar and returned to the person and a note of its receipt from the Registrar's office and return to the person shall be entered in the office returns.

CHAPTER XIV (Sections 35 to 39).

Sealed Covers containing Wills.

73. The particulars required in Section 36 shall be noted in the following Form on every sealed cover deposited in a Registrar's office :—

No.........of 1095.

Presented at 3 P. M. on the 1st Chingam 1095 in the office of the Registrar of... .....(or at the residence of . ...)by......

Thumb-impression. (Signature)
A. B. with addition.

or by......

Thumb-impression. (Signature)
C. D. with addition.

agent of A. B. under a general (or special) power-of-attorney dated.........and authenticated by the Sub-Registrar of .....

Witnesses examined. (Signed) E. F. (with addition)
(Signed) G. H. (with addition)

(Here enter the inscription on the seal of the cover.)

Date. Signature of Registrar.

74. (i) Every entry under Section 36 of the Regulation in Book V shall be dated and signed by the Registrar.

(ii) When a sealed cover is withdrawn under Section 37 of the Regulation, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.

75. When a Will executed by two persons jointly is deposited under Section 35 of the Regulation by both of them in a sealed cover, a request by one of the testators for the withdrawal of the sealed cover after the death of the other testator shall not be complied with. The Registrar may, however, after procuring satisfactory evidence as to the fact of the death, require the applicant to present an application under Section 38 for the opening of the cover and the copying, at the applicant's expense, of the Will in Book II. He may then grant the applicant a copy of the Will if the applicant so desires.

76. (i) Wills sent by post to a Registering Officer are not presented for registration or deposited within the meaning of the Regulation, and Sections 33 to 39 are therefore inapplicable to them.

(ii) If a cover purporting to contain a Will reaches a Registrar by post, he shall return it unopened. Should the cover however be retained in the office because the address of the person to whom it should be returned is unknown, the Registrar shall record upon the cover the date of receipt and the facts that it was received by post and that it has not been secured under the Regulation as the terms thereof have not been complied with.

(iii) A Will so received shall not be delivered to any applicant unless the Registrar is satisfied that such applicant is duly authorised to receive it, nor shall the cover be opened on an application under Section 38, as it has not been deposited according to the provisions of Section 35.

(iv) A cover purporting to contain a Will which may reach the Sub-Registrar by post shall be returned to the sender, or if the address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under Clause (ii) of this Rule.

(v) A Register shall be maintained in each Registrar's office showing the sealed covers received, withdrawn and opened, from time to time. In it shall also be entered Wills received by post by the District Registrar and retained in the office under Clause (ii), and Wills forwarded by Sub-Registrars under Clause (iv) and under Rule 72 (i).

(vi) An Officer assuming charge of a Registrar's office, either permanently or temporarily, shall compare the sealed covers and Wills with the entries in Book V and in the Register prescribed in Clause (v) and shall report to the Director of Registration whether they are correct and whether the covers are preserved properly.

77. (i) When a sealed cover containing a Will is opened under Section 38 of the Regulation, the following endorsements should be made on the Will.

Having satisfied myself that the testator hereof is dead and that the applicant A. B. has a right to know its contents, the sealed cover containing this Will is opened in the presence of the said A. B. (signature and addition) this day of......110...

Signature of Registrar.

This Will has been registered in Book II as No....of 110...Vol...pages...

Date. (Seal) Signature of Registrar.

(ii) The fact of the registration of the Will in Book II shall be noted in Book V in the column headed "Number of document in Book II."

(iii) Whan a sealed cover containing a Will is opened under an order of a Court and copied in Register Book II under Section 39 of the Regulation, the fact shall be noted in Register Book V in the Column headed "Number o document in Book II" and the following endorsement shall be made on the Will itself :—

Opened and registered in Book II as No....of 110 .. Vol...page...and forwarded to the .... Court pursuant to the order of the Court dated......110 .

Date (Seal) Signature of Registrar.

78. When a Will is forwarded to a Court it shall be accompanied by a memorandum intimating the fee payable for opening the cover and the charges for copying, in view to these being collected by the Court and remitted to the Registrar. An acknowledgment of the receipt by the Court of the cover or Will shall also be obtained and filed in the office.

79. When a sealed cover containing a Will is opened, the cover which contains the depositor's superscriptions and the Registrar's endorsements shall be preserved carefully.

CHAPTER XV (Sections 44, 50, 51 and 53).

Endorsements and Certificates.

80. (i) The endorsements prescribed by Sections 44 and 50 of the Regulation and the certificate prescribed by Section 53 shall be written by the Registering Officer himself in the Form prescribed in Appendix IV or as near thereto as circumstances permit.

(ii) The presentant, executant and the witnesses may be required to write their additions themselves in the endorsements made on documents, when they are able to do so.

(iii) The name and addition of a party who is required to sign in the endorsements, but who is not able to write, shall be written by the Registering

Officer himself. Where the addition is entered by the party himself the Registering Officer shall satisfy himself that the addition as entered is complete and that it corresponds with the statement made by the party.

81. An executing party shall be required to use the same language in signing the endorsement of admission of execution as he has used in signing the instrument.

82. If there is not sufficient blank space in the instrument for the endorsements and certificate, they may be entered on a separate slip or sheet of paper which shall be attached to the document and a note of the fact shall be made on the document itself and signed by the Registering Officer.

83. When a document occupies more than one sheet of paper, the number of the document of which the sheet forms a part, the total number of sheets of which the document consists, the number of the sheet and the seal and signature of the Registering Officer shall be endorsed on each sheet.

84. The entry "identified by" shall be made by the Registering Officer above the signature of witnesses examined for purposes of identification, and the entry "witnesses examined", above the signatures of witnesses examined for any other purpose.

85. When a document is executed by a person as a guardian or an agent he shall be described as such in the registration endorsement.

86. (i) When a person executes a document both for himself and as agent or guardian of a minor, an idiot or a lunatic, the registration endorsement shall contain two distinct signatures, one for admission of execution by the person himself and the other for admission as agent or guardian.

(ii) When there are more persons than one under the guardianship of a single person, the registration endorsement need contain only one signature on behalf of all such persons, but all their names shall be specified.

87. When the presentation and admission of execution of a document are made by an agent under a power-of-attorney, reference to the authority under which the agent acts shall be given in the endorsement of admission of execution, the fact that the presenting party is an agent being entered after his signature below the endorsement of presentation.

88. (i) When the amount of consideration mentioned in a document presented for registration is paid before the Registering Officer, the signature of the payer and of the payee shall be obtained below the endorsement of payment and above the signature of the Registering Officer.

(ii) When the consideration is paid before the Registering Officer in currency notes and any party to the transaction desires that the numbers of the notes shall be noted in the endorsement, the request shall be complied with.

(iii) When money is paid on behalf of the claimant by his agent, messenger or servant, the words "on behalf of the claimant" with the name of the claimant shall be added after the name of the payer in the endorsement.

89. The certificate of registration shall be added by the Registering Officer only after the document has been copied and the entry compared.

90. (i) In the case of a document presented for registration in duplicate or duplicates, the duplicate or duplicates shall be examined with the original and shall bear the following additional endorsement :—

Duplicate (or second duplicate).

Difference between the original and the duplicate (or second duplicate).

Compared by { Reader.
Examiner.

Date. Signature of Registering Officer.

A note shall be entered on the original as regards the number of copies registered with the original.

(ii) Each duplicate of a document presented for registration shall bear the same endorsements as the original document and the same registration number. The certificate of registration on the original and on the duplicate shall mention all the pages of the volume occupied by the entries which relate to the original and the duplicate ; but the fee levied on each copy need alone be shown under certificate of registration made on the copy, and this fee shall not be included in the amount of fees entered on the original document.

91. A document which is partially registered as regards some of its executants and refused as regards others shall have two distinct endorsements, the one of admission signed by such of the executants as admit execution and the other of refusal being written, signed and dated by the Registering Officer below his seal and signature affixed to the certificate of partial registration.

92. The signatures of witnesses examined in the course of an enquiry before a Registrar under Section 68, in reference to an appeal case need not be endorsed on the document in respect of which the enquiry is made.

93. An endorsement on a document re-presented for registration under an order of Registrar or a Court, shall quote the number and date of the order under which it is re-presented.

CHAPTER XVI (Sections 44 and 54).

Receipts for Documents, &c., and Return of Documents.

94. (i) A receipt shall be granted for each document presented for registration, for each power-of-attorney presented for authentication and for each sealed cover deposited and for every fee levied by a Registering Officer.

(ii) An application for transfer of registry presented with a document shall be acknowledged in the receipt for the document.

(iii) When the fees consist of several items, each item shall be separately entered so as to admit of any over-charge being traced. In the case of copying fees the number of pages shall be entered and in the case of mileage, the number of miles.

(iv) The requisite entries shall be made and signed in duplicate, one part remaining as a counter-foil and the other part being cut off and given to the party concerned.

95. The receipt of a document shall ordinarily be prepared by the Registering Officer himself and shall be handed over to the person presenting the document. If a person is nominated under Section 54 (2) to receive the document, the receipt shall be handed over to the nominee after obtaining in the counter-foil the signature of the presentant to the endorsement of nomination, and also the signature of the nominee for the purpose of comparison when the nominee appears to take back the document.

96. (i) If a document is ready for transcription on the day of its presentation, the day and hour when it will be ready for return shall be endorsed on the receipt. In the case of a document retained pending an enquiry or a reference, the day and hour shall be communicated to the presentant or his nominee by a separate notice issued on the day when the document becomes ready for transcription. If however, in the latter case, the receipt is produced on the day the document is ready for transcription and the document cannot be returned on that day, the information may be endorsed on the receipt itself.

(ii) When a document is not ready on the date entered on the receipt or in the notice, the entry of that day shall, if the receipt or notice is produced before the Registering Officer, be cancelled and the probable later date on which the document will be ready shall be entered under the initials of the Registering Officer.

(iii) Corresponding entries and corrections shall be made in the counter-foil.

97. In order to obtain delivery of a document, the person entitled to claim back the same shall produce the receipt, and the Registering Officer shall thereupon

obtain his signature to the acknowledgment in the counter-foil and return both the document and the receipt after endorsing on the latter the date of its return and initialling the entry.

98. In the event of a receipt being lost, the person who should have produced it may receive the document on making and signing on the counter foil a declaration of the loss and, if required by the Registering Officer, affixing his thumb-impression thereto.

99. In the event of the presentant of a document dying before taking back the document, the representative of the deceased may receive the same on producing the receipt and a certificate of heirship from a Provarthikar of the village in which the deceased lived. If the receipt is lost, the representative may receive the document on making and signing a declaration as prescribed in Rule 98.

100. (i) When a nominee fails to take back a document within seven days from the date noted on the receipt as that on which it will be ready, the nomination may be revoked by the person by whom it was made by an entry signed by him to that effect on the counter-foil.

(ii) In the event of a nominee dying before taking back the document and before the nomination is revoked as mentioned in Clause (i), the Director of Registration may, in his discretion, order the document being returned either to the presentant or to the representative of the deceased person.

101. When a party to a document objects to its being returned to a person in whose favour the receipt has been drawn up, the objection shall not be allowed to prevail unless such party can satisfy the Registering Officer that he has applied to a competent Court for an injunction to restrain the Registering Officer from returning the document.

102. When an impounded document is received back from the Division Peishkar after adjudication of stamp duty, the Registering Officer shall immediately give notice in writing to the presentant or to the person authorised by the presentant to take delivery of the document, either to take steps to complete the registration of the document or to take delivery of the same.

103. When proceeding to attend at a private residence, the receipt book shall not be taken by the Registering Officer. Loose sheets of the receipts shall be utilised in such a case, both for counter-foils and for receipts. The counter foils shall, after return of the Registering Officer to his office, be pasted on to the appropriate blank counter-foils in the receipt book.

104. Documents shall, as far as possible, be returned on the day of their admission to registration.

105. (i) If after presenting a document for registration, or at any stage of the enquiry connected with it under Section 27, the presenting party applies for

the return of the document unregistered, the Sub-Registrar shall, unless he has reason to believe the document to be forged, record the statement of such party and return the document endorsing thereon the facts and circumstances of such return.

(ii) The document so returned may be admitted again for registration, if presented within the time prescribed in Section 16.

(iii) This Rule shall not affect anything contained in Rule 32 regarding the impounding of documents for deficient stamp duty.

CHAPTER XVII (Section 44).
Register Books.

106. Every full page shall contain a uniform number of lines, and no erasure shall be permitted in the Register.

107. Every entry of a document in the Register book shall be an exact copy of the original. If any abbreviation is used in the original it shall be reproduced in the copy. If a word in the original is misspelt or if a word is repeated by mistake, or if some word necessary to complete the sense is omitted, no attempt shall be made to correct the error or delete the repetition or to supply the omission.

108. (i) Notes of interlineations, erasures, alterations or blanks in documents shall be so entered in the Register as to show precisely what word or words have been interlined or altered and the places in which erasures or blanks occur in the original. In the majority of cases the simplest plan is to underscore the particular word or words, and to write the letters, "a", "b", "c", "d" above, with corresponding footnotes.

(ii) Similar foot-notes shall also be made in regard to interlineations, alterations, &c., in the entry of a document in the Register. The particular word or words interlined or inserted shall in the entry be flanked by brackets and the figures (1), (2), (3) and (4), &c., entered above the bracketed portions with corresponding foot-notes.

When an interlineation or an alteration extends beyond one line, the entire interlineation or alteration shall be denoted by a single figure which shall be repeated on each line over the middle of the interlined or altered portion.

(iii) The following are specimen forms of foot-notes:—

(1) In document and Register : interlineation &c.— Nil.

(2) In document : (a) interlineations ... 2

(b) erasures ... 1

(c) alterations ... 3

In Register : interlineations ... (1), (2) and (4)

alterations ... (3) and (5)

(3)	In document :	(a)	interlineations ...	...	3
		(b)	Sic ...	...	2
		(c)	erasures ...	...	3
	In Register : interlineations, &c.		...	...	Nil.
(4)	In document :	(a)	interlineations ...	...	1
		(b)	alterations ...	...	2
		(c)	erasures ...	...	3
		(d)	Sic ...	...	1
	In Register : interlineations		...		(1), (2) and (4)
	alterations		...		(3), (5) and (6)

(iv) A note in respect of blank in the original of a document is necessary only when a space is left in the body of the document for the insertion of words or figures which for some reason are left unfilled by the person executing the document. Notes are not required where a space intervenes between one paragraph and another of a document or between the last word of a document and the executor's signature or when there are blanks in a schedule.

109. (i) The stamp-vendor's endorsement and any certificate relating to the stamp shall be copied at the end of the entry of the document in continuation of the signatures of the executants and witnesses and the value of the stamp (stamp-papers and labels) shall then follow in words. After the close of the entry so made, a line shall be drawn to the end of the column so as to prevent any addition being made.

(ii) When a document is engrossed on two or more stamps, the entry regarding the value of stamps shall show the number of stamps and their total value thus :—"Two stamps-Rs......".

(iii) When no stamp is used on a document, the entry shall be "stamp—nil".

110. (i) Any portion of the column allotted for the endorsement and certificate which is likely to remain unoccupied after they have been copied, shall be utilised for the entry of the document.

(ii) Similarly, any unoccupied portion of the column allotted for the copy of the document may be utilised for the endorsement and certificate.

111. A page of a Register book shall not contain copies of more than one document.

112. (i) After a document, the endorsement thereon and the certificate have been transcribed in the Register, the correctness of the copy shall be ensured by causing the original to be read aloud by some Officer other than the copyist while the entry in the Register is followed ordinarily by the Registering Officer himself and in unavoidable cases, by some Officer of the permanent staff.

(ii) After completion of the examination referred to in Clause (i), the foot-notes of interlineations, &c., and the notes regarding duplicates shall then be entered in the Register. The copyist and the examiner shall, after satisfying themselves as to the correctness of these foot-notes, &c., sign below them thus :—

Copied by A. B. clerk.

Compared by { C. D. (Reader). E. F. (Examiner).

(iii) The Registering Officer shall then after satisfying himself that the document has been reproduced accurately and faithfully, initial all interlineations and alterations in the Register and authenticate the entry by affixing his signature legibly at the foot of the last page and by initialling at the foot of every other page occupied by the document. The authentication shall be made immediately a document has been copied and compared.

113. No document shall be returned to a party before the entry of it in the Register has been authenticated by the Registering Officer.

114. (i) Each volume of a Register book shall continue in use until all the pages are filled. At the commencement of each year, however, fresh volumes shall be opened.

(ii) When, for a special reason, a volume of a Register book is closed on a page other than the last page, a certificate to that effect shall be appended at the foot of the last entry and a certificate specifying the number of pages which have been utilised shall be entered on the title page, each signed and dated by the Registering Officer.

(iii) If a page is by oversight left blank in any part of a volume, a certificate stating that the omission is accidental shall be entered on such page.

(iv) Additional pages shall not, on any account, be inserted in a volume.

115. (i) When an instrument is executed in the form of an endorsement written across or at the foot or back of, any instrument previously registered in the same office, *e. g.*, an assignment of a lease, the transfer of an interest, a receipt or discharge acknowledging consideration, money or any payment secured by the registered instrument, such endorsement shall, when presented for registration, be numbered and registered as a separate instrument and a note in the following form shall be entered in the Register :—

"NOTE :—Written across (or at foot or back of) document No............... of 110............Book.........Vol......... . page.........".

(ii) If the endorsement has been made on an instrument previously registered in another office or on an unregistered instrument, the entire instrument as well as the endorsement shall be copied in the Register and a note shall be entered

both on the document and in the Register, below the certificate of registration and above the signature of the Registering Officer, to the effect that the endorsement alone has been now registered.

116. (i) When a document revoking or cancelling a previously registered deed or rectifying an error in, or modifying the terms of, such a deed is registered, a note in the following form shall be entered at the foot of the entry of the latter document in the Register book and if the deed relates to immovable property, also in the entry in Index No. II :—

"NOTE :—This document revokes (or cancels), rectifies (or modifies) document No.........of 110 ....of Book... .....Vol ......pages............".

And at the foot of the entry of the previously registered deed, and when the deed relates to immovable property, in the entry in Index No. II, a note in the following form shall be added :—

"NOTE :—This document has been rectified or cancelled by document No. ....of ....109.......... ..of Book.............page.......... ..".

(ii) A rectification deed or a cancellation deed shall be registered in the same class of Register book as that in which the original document which it cancels or rectifies, has been registered.

117. In all cases of re-registration under Section 16, the document shall be copied into the Register in extenso, and a number shall be assigned to it, precisely as if it had not been already registered.

CHAPTER XVIII (Sections 46 to 48).

Indexes.

118. Indexes Nos. I, II, III and IV shall be prepared on loose sheets lettered alphabetically and shall contain the particulars shown in Appendix V, or in such Forms as the Director of Registration may prescribe from time to time, a fresh set of sheets being used for each year. They shall be prepared in Malayalam.

Index No. I.

119. (i) The names of all persons executing and claiming under documents shall be entered in full wherever possible. If a person is known under two names, each shall be indexed separately.

(ii) All names of persons shall be indexed with reference to the initial letter of the surname or of the house name where such exists. Where the house name does not exist, the indexing shall be regulated by the initial letter of the person's name, followed, in the case of a Hindu, by the village name or any other distinguishing name which he bears, and in the case of a Mahomedan, by the prefix,

if any, such as Sayed, Mir, Shaik, Ghulam or affixes such as Beg, Khan, Shareef. If a woman bears the house-name of her husband or father, the indexing shall have reference to the initial letter of the house name; otherwise, to the initial letter of her own name.

(iii) All documents executed by or in favour of Government, shall be indexed together under "Government", one or more sheets being set apart for such entries under the letter "G".

(iv) The name of a Company, Bank or Society shall be entered under the initial letter of the first word of the name omitting "the", *e. g.* "The Land Mortgage Bank of India" under "L".

(v) English names shall be indexed as they would be written in the Vernacular, *e. g.*, "Wilson" under "V", "Wright" under "R", "Knox" under "N".

(vi) In the case of a document registered after the death of the executant, on the admission of his representative, the name of the executant alone shall be indexed, but the fact that the admission of execution was made after the death by his representative shall be shown in the column, "Addition".

(vii) In the case of a document executed by, or in favour of, an agent on behalf of a principal, or by, or in favour of, a guardian on behalf of a minor, an idiot or a lunatic, the name of the principal or minor, &c., as well as that of the agent or guardian, shall be indexed.

(viii) When a person executes a document both for himself and as representative of some other person, his name shall be entered twice, one as executing for himself and again as the representative of the other person.

(ix) In the case of a document executed by, or in favour of, the Government, a Company, Bank, Society, &c., the name of the person presenting or acting on behalf of the Government, Company, &c., shall be entered in the column, "Addition."

(x) In the case of indentures, deeds of partition and similar documents, the fact that the party claiming under the document is also an executing party, shall be indicated by writing the name across both the columns "Executants" and "Claimants."

Index No. II.

120. (i) In Index No. II, one or more separate sheets shall be assigned to each Pakuthi.

(ii) Where property to which a document relates is situated in several Pakuthis in the same or Different Sub-Districts, the entry in column "Pakuthi" shall contain a reference to the other Pakuthis and Sub-Districts, if any.

(iii) Where the number of villages affected by a document is large, it will suffice to enter all the villages in detail in the entry relating to the first village and to note only the number of additional villages in the Indexes relating to the other villages, *e. g.*, "Muttathara and 20 Pakuthis noted against Vanchiyur."

Subsidiary Index.

121. Each Sub-Registry office shall maintain a Subsidiary Index to Index No. II in the Form printed in Appendix V, or in such Form as the Director of Registration may prescribe from time to time, in order to show at a glance all transactions affecting each survey number or sub-division.

122. (i) The pages relating to each Pakuthi shall be numbered consecutively in a separate series.

(ii) Each survey number or sub-division in a Pakuthi shall be entered in the first column in serial order, two lines being set apart for it. Sub-divisions shall be entered consecutively below the survey numbers of which they are the sub-divisions.

(iii) As each document is registered, the number and year of the document shall be entered against the survey number thus :—124/95 which means document No. 124 of 1095.

(iv) The Subsidiary Indexes relating to each Pakuthi shall be continued on the same set of sheets from year to year.

123. A copy of each of the Indexes Nos. I to IV shall be prepared simultaneously with the original. The copies for each month shall be submitted to the Registrar for examination and check, before the 5th of the succeeding month. If there are errors which he can rectify, he shall issue the necessary orders and report the matter to the Director of Registration. If the errors are such as cannot be rectified by the Registrar without the orders of the Director of Registration, he shall take the necessary steps to obtain such orders without delay.

124. As soon as the examination of the copies of Indexes is completed, they shall be bound in the Registrar's office, each kind of Index being bound into a separate volume not exceeding 500 pages. One or more volumes may be assigned, if necessary, to each Sub-Registry office or the Indexes of more than one office may constitute a single volume. In the former case, there shall be placed at the head of the first page of the volume or of each volume a note in the following form :—

Index No. I for the year 109 .....of the Sub-Registry Office of.........Volume ....A to K.

In the latter case each volume of the Index shall be separated by a title page containing the particulars above mentioned. In both cases, a label shall be affixed to the back of each volume containing the same particulars.

125. When the examination of copies of Indexes in the Registrar's office is completed, each kind of original Index of a Sub-Registry office shall be bound in volumes not exceeding 500 pages each.

126. Until otherwise directed by the Government, the office of the Director of Registration shall be the Central Record Office for the purposes of Section 48, Clause (2).

CHAPTER XIX (Section 49).

Searches and Copies.

127. An application for a search or for a copy of an entry in the Register book, Index or any miscellaneous record, may be received and complied with through the medium of Anchal or British Post, the postage charges being borne by the applicant.

128. (i) In complying with an application presented either in person or through Anchal or British post, for a copy of an entry in the Register book or the Index, the Registering Officer shall take special care to ensure that the provisions of Clauses (2) and (3) of Section 49 are satisfied.

(ii) Copies of miscellaneous records such as appeal orders, depositions, receipts for documents and for fees, petitions and applications may, on payment of the copying fee prescribed in Article XIII of the Table of Fees, be granted to any person connected with them or who shows to the satisfaction of the Registering Officer that he is entitled to obtain the copies thereof.

(iii) There is no objection to the grant of a copy of the map or plan attached to a document whether or not a copy of the document is granted at the same time. The applicant shall, however, procure his own draftsman for the making of such copy. If the copy made is found to be correct, the Registering Officer shall certify it to be a true copy.

129. The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid or to have it read to him; but it shall not entitle him to take a copy of the entry. If a search proves fruitless, the fee shall not be refunded, but the applicant may, if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.

130. (i) A copy of a document—

(a) admitted to registration but not transcribed into the Register,

(b) presented but not yet admitted to registration, or

(c) the registration of which has been refused,

shall be granted to any person applying for it subject to the restrictions laid down in Clauses (2) and (3) of Section 49. In case, however, the document is one

registrable in Book II and presented under Section 34, Clause (2), its copy, before it is registered or before its registration is refused, shall be granted only to some person interested in or claiming under the document.

(ii) A search fee shall not be levied for the grant of any copy mentioned in Clause (i) of this Rule.

131. Only one search fee shall be levied—

(*a*) for making a search or inspection of any number of entries or documents relating to one and the same property or properties belonging to one and the same individual or family, or executed by or in favour of one and the same individual or family;

(*b*) for making a search in respect of a single document or in respect of acts and encumbrances on one and the same property in two or more offices because of the transfer of a Pakuthi from one Sub-District to another.

132. (i) When an application for a search is presented and the requisite fees have been paid, the Registering Officer shall enquire whether the applicant will himself make the search or desires that it should be made by the office establishment. When a clerk is deputed to make the search, the name of the clerk deputed shall be noted in the application. As soon as the search is completed, the result, or a reference to the certificate of encumbrance showing the result, in case the application is for an encumbrance certificate, shall be noted in the application by the clerk and signed by him. When the applicant himself makes the search, he shall note the result on the application and sign the same.

(ii) Whenever an entry found on search is read out to an applicant under Rule 129, a note shall be made on the application to the effect that this has been done, and when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto.

133. All inspections and searches of Books and Indexes shall take place in the presence of the Registering Officer.

134. A copy of an entry shall not be made from any book until the Registering Officer has scrutinised the entry generally.

Certificates of Encumbrances.

135. When an application is made for a search for encumbrances in respect of any immovable property or properties belonging to a single individual or a single family, or for a list of documents executed by or in favour of a single individual or a single family, and the applicant desires that a certificate of encumbrances or a list of documents found in the course of such search should be furnished to him by the Registering Officer, the request shall be complied with.

136. In the case of searches for a list of documents executed by, or in favour of, a particular individual or a particular family, the list shall show the number, date, nature and value of the several documents found, as well as the names of the parties and the Pakuthis in which the property affected, if any, is situated; but no description of the properties affected by the documents should be given as in the case of encumbrance certificates on properties. The list shall not include particulars of documents registered in Register Books II and III, unless the applicant is entitled to copies of the entries (Section 49 of the Regulation).

137. A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property or properties in question.

138. A copy shall be retained of each encumbrance certificate issued from an office and shall be filed in a separate file book in which the various certificates shall be numbered consecutively in a separate series for each calendar year.

Production of Register Books in Court.

139. (i) When a requisition is received from a Court for the production of a Register book other than Book II or Book III or a Register of thumb-impressions, the Registering Officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will not suffice. When it is absolutely necessary to produce the book itself, or when the requisition is for the production of Register Book II or Register Book III, or a Register of thumb-impressions, the book shall be taken to the Court by the Registering Officer himself or forwarded in a sealed packet through a clerk, according to the nature of the summons. In the latter case the clerk should be instructed to bring the packet back to the office unless the Court considers its detention to be necessary. In such cases the Registering Officer shall apply to the Court issuing the summons for the payment of travelling and other expenses to be incurred by him or any of his clerks in passing to and from the Court. If the detention of the clerk is found to be necessary for more than a day, the Registering Officer shall also apply to the Court for the payment of the expense of employing a substitute which shall be calculated at the rate not exceeding one rupee per diem.

(ii) When a copy is forwarded to a Court, it shall be sent in a sealed cover addressed by name to the Officer presiding over the Court.

CHAPTER XX (Sections 56 to 58).

Administration of Oath and Record of substance of Statements.

140. Evidence required by a Registering Officer shall be taken by himself, or in the case of a power-of-attorney, by some one appointed under a commission.

141. The oath or affirmation to be made before a Registering Officer by a deponent shall, at his option, be in any of the following forms :—

A.

"The evidence which I shall give shall be the truth, the whole truth, and nothing but the truth. So help me God."

B.

"I solemnly declare in the presence of Almighty God that what I shall state shall be the truth, the whole truth, and nothing but the truth."

C.

"I affirm that what I shall state shall be the truth, the whole truth and nothing but the truth."

142. (i) When execution is admitted and the endorsement is signed by the party admitting execution, and when witnesses are examined merely with reference to the identification of the parties appearing, the prescribed endorsement is itself a sufficient record. A record of the substance of the statements shall however be made in the following cases :—

(*a*) When execution is denied ;

(*b*) when a person admitting execution refuses to sign the endorsement ;

(*c*) when a person admits execution on protest or with a reservation ;

(*d*) when an enquiry is held as to the alleged death of the executing party ;

(*e*) when an enquiry is held as to the right of a person to appear as the executor, administrator, or heir of a deceased person, or as the guardian of an infant, or as the curator of an idiot or lunatic ;

(*f*) when an enquiry is held as to the age of any person appearing to be a minor or as to the sanity of any person appearing to be an idiot or a lunatic ;

(*g*) when the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement ;

(*h*) when an enquiry is held under Section 34 (2) of the Regulation in respect of a Will presented for registration after the death of the testator ;

(*i*) when an enquiry is held under Section 63 as to the fact of the execution of a document ; and

(*j*) generally in all cases in which a record may seem necessary.

(ii) All such statements with the exception of those under (*h*) and (*i*) which shall be kept with the records of the enquiry, shall be recorded in a book known as the "Deposition Book" maintained in each Registration office.

(iii) Each witness or party shall be examined separately. The deposition shall usually be recorded in the first person, and when so recorded the signature of the person who makes it, shall be obtained. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct.

(iv) At the head of each deposition the document to which it appertains together with the book, volume and year, shall, when practicable, be noted.

(v) The Deposition Book shall not be carried when a Registering Officer attends at a private residence. Any statements or depositions which a Registering Officer may find it necessary to take when attending at a private residence shall be recorded by him in a separate book and on his return to the office, copied in the Deposition Book. The copy may be made by a clerk and examined by another clerk, but shall be authenticated by the Registering Officer with date.

CHAPTER XXI (Sections 59 and 60).

Transmission of Memoranda and Copies.

143. Memoranda of registered documents required for transmission under the provisions of Sections 59 and 60 of the Regulation shall be prepared in the Form printed in Appendix II.

144. The total number of memoranda required shall be made in the office of original registration at the expense of the party presenting the document for registration. They shall be forwarded with an intimation form which shall be returned receipted by the Officer to whom it is addressed.

145. When a document is registered in duplicate no memorandum is required to be forwarded under Sections 59 and 60 in respect of the duplicate, but the number of copies registered with the original shall be noted in the column headed "Document" in the memorandum prepared from the original.

146. When a document cancels or rectifies an error in a document previously registered in Book II or Book III in another office, a memorandum shall be sent to that office without levying a memorandum fee.

147. When a Registering Officer finds that a correction is necessary in the memorandum of a document forwarded by him to another Registering Officer, he shall send an erratum to the latter, who shall file it in his File Book No I, carry out the correction and add a note on the original explaining the circumstances

under which the correction is made. A reference to the page and volume of the File Book in which the erratum has been filed sha'l be entered on the original memorandum and the Indexes shall also be corrected accordingly.

CHAPTER XXII (Sections 61 and 62).

Errors in Registration.

148. (i) In the event of a document being registered in a wrong Register book the registration shall stand, but the Director of Registration may direct that copy of the document with the endorsement and certificate thereon shall be transcribed in its appropriate Register without further charge. A document so copied shall be given the number assigned to the last previous document in the book to which it is transcribed with the letter "A" attached.

(ii) A certificate in the following form shall be entered in the endorsement column of the Register book to which the entry is transcribed and on the document below the former certificate, the document being sent for if it is not in the office:—

Registered again under the orders of the Director of Registration No...... dated......110 .. . as document No......A of 110......in Book......Vol. ....pages......

Date........110 .. ..

Signature of Registering Officer.

(iii) A similar certificate shall be entered at foot of the original entry of registration with the words "wrongly registered in this book", prefixed.

149. (i) When by inadvertance a document is registered in a wrong office, the Registering Officer shall inform the executing and claiming parties of the fact and advise them to apply to the Director of Registration for a direction under Section 62 (2) for its registration afresh in the proper office.

(ii) When a direction is so issued to a Sub-Registrar, he shall register the document without the levy of any fee and in the endorsement of presentation shall refer to the orders of the Director of Registration.

(iii) The Registering Officer in whose office the document was originally registered shall, in any case, forward to the proper office, free of charge, a memorandum of the document in accordance with the procedure prescribed by Sections 59 and 60 and the receiving Officer shall file the memorandum in his File Book I.

150. A Registering Officer will, unless specially exempted by the Director of Registration, be held liable for any loss to Government which may arise from neglect on his part in the registration of a document, the making of a search, the grant of a copy of a document or in any other case in which he has failed to receive the prescribed fee.

CHAPTER XXIII (Sections 65 and 70).

Refusal to Register.

151. If a person presenting a document refuses to take, or omits to take, within fifteen days after presentation, such steps as may be necessary for its registration, the Registering Officer shall refuse the registration of the document.

152. When registration is refused, the reasons for refusal shall be at once recorded in Book IV. They will usually come under one or more of the heads mentioned below :—

(1) That the document is written in a language other than Malayalam or Tamil and that it is unaccompanied by a true translation and a true copy (Section 12).

(2) That it contains unattested interlineations, blanks, erasures, or alterations which in the opinion of the Registering Officer require to be attested (Section 13).

(3) That the description of the property is insufficient to identify it [Section 14 (1), (2) and (4)].

(4) That the document is unaccompanied by a copy or copies of any map or plan which it contains [Section 14 (3)].

(5) That the date of execution is not stated in the document, or that it is altered, or that the document bears an impossible or fictitious date anterior to the date of purchase of the stamp and the correct date cannot be ascertained [Rule 34 (iii)].

(6) That it is presented after the prescribed time (Sections 16, 17, 66, 69 and 71).

(7) That it is presented by a person who has no right to present it (Sections 25, 26, 33 and 36).

(8) That the executing parties or their representatives, assigns or agents have failed to appear within the prescribed time (Section 27).

(9) That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document (Sections 27 and 36).

(10) That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign or agent so to appear (Sections 27 and 33).

(11) That the execution is denied by any person purporting to be an executing party or by his agent (Section 28).

(12) That the Registering Officer is satisfied that the executant is purposely keeping out of the way with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within

three months from the date of presentation of the document, the non-appearance being treated as tantamount to denial of execution.

(13) That the person purporting to have executed the document is a minor, an idiot or a lunatic (Section 28).

(14) That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed (Section 28).

NOTE:—When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused *in toto*, the persons interested being left to apply to the Registrar for an enquiry into the fact of execution.

(15) That the alleged death of a person by whom the document purports to have been executed has not been proved (Sections 28 and 34).

(16) That the Registering Officer is not satisfied as to the fact of execution in the case of a Will presented after the death of the testator (Section 34).

(17) That the prescribed fee or fine has not been paid (Sections 17 and 74).

153. When the executants of a document appear at different times, the order of registration or refusal shall be passed after all the executants have appeared and admitted or denied execution, as the case may be, unless the presentant applies for the return of the document unregistered as regards the executant who failed to appear.

154. (i) When a document is partially registered and partially refused registration the refusal shall be endorsed after the document is registered.

(ii) The order of registration and the order of refusal to register shall, ordinarily, be made on the same date.

155. If a Registering Officer is the executant of or claimant under a document or a power-of-attorney or if he is in any way concerned in the same, he shall not register such document or authenticate such power-of-attorney but shall report the circumstance to the Director of Registration and abide by the orders received.

CHAPTER XXIV (Sections 34 (ii) and 66 to 70).

Appeals and Applications.

156. (i) A Register shall be maintained in every Registrar's office in which shall be entered particulars regarding appeals filed under Section 66, and applications under Section 67 of the Regulation.

(ii) As soon as an appeal is admitted or an application is received, it shall be entered in the Register. Appeals and applications shall be numbered in the same series commencing and terminating with each year.

(iii) After all the columns have been filled up, they shall be attested by the Registrar with date.

157. (i) An appeal under Section 66 of the Regulation or an application under Section 67 shall be presented in writing to the Registrar of the District or to the Officer in charge of the Registrar's office accompanied by a copy of the order appealed against and the original document in respect of which the order was passed.

(ii) When the document is stated to be in the possession of some person other than the appellant and the latter desires time to obtain and produce it or the issue of a summons for its production the request may be complied with and the appeal or application be admitted pending receipt of the document.

158. (i) An appeal under Section 66 shall be porsented either by the appellant or by a certificated pleader duly authorised on his behalf by a Vakalat executed and attested in the manner prescribed in the Rules applicable to Civil Courts, or by an agent holding a power-of-attorney authenticated as laid down in Section 26 of the Registration Regulation.

(ii) An application under Section 67 shall be presented in person by the party or by an agent holding a power-of-attorney authenticated as aforesaid.

(iii) An appeal or an application shall not be accepted or acted upon if sent by Anchal or British Post.

159. In an enquiry connected with a Will under Section 34 (2) of the Regulation or an appeal under Section 66 or an application under Section 67, private Vakils or persons not qualified under the Vakils Regulation, III of 1075, shall not be allowed to appear. Such persons, however, are not debarred from acting as agents if authorised by a duly authenticated power-of-attorney.

160. An application under Section 67 presented by any of the persons mentioned therein within the prescribed period but without the requisite verification, may be returned in view to its being verified and presented again within a stated time.

161. An appeal under Section 66 or an application under Section 67 may, when the Registrar is on a tour of inspection in his District, be posted for hearing at any Sub-Registrar's station convenient to the parties.

162. (i) On the presentation of an appeal under Section 66 or of an application under Section 67, a day shall be fixed for the hearing of the appeal or application. If before that day process fees are not paid so as to admit of the issue of notice and summonses for securing the attendance of parties and witnesses, or if the appellant or his agent or Vakil fail to appear on that day, the appeal may be dismissed.

(ii) An appeal or application which is dismissed for reasons such as default of appearance of a party or non payment of process fee, may be re-admitted if the Registrar is satisfied that sufficient reason is shown for re-admission.

163. An order on an appeal under Section 66 or an application under Section 67 directing or refusing Registration, shall not be endorsed on the document itself, but shall, when registration is ordered, be recorded separately and filed in a separate file book, and when registration is refused, be recorded in Book IV. In the latter case a brief abstract of the order shall be endorsed on the petition of appeal or application which will be kept with the records of the case.

164. An appeal or application against an order of refusal to register a Will presented for registration after the death of the testator may be presented by any executor appointed under the Will. The Registrar may, after the perusal of the records connected with the refusal, call for fresh evidence or issue summonses to witnesses, or remand the case to the Sub-Registrar for further enquiry.

165. Where refusal order is based on the ground that the executant is purposely keeping out of the way in order to evade registration or has gone to a distant place and is not likely to return to admit execution within three months from the date of presentation of the document and the non-appearance is treated as tantamount to denial of execution [Rule 152 (12)], the application may be accepted by a Registrar under Section 67 and the fact of execution enquired into as if execution has been specifically denied.

166. (i) All orders passed by a Registrar under Sections 66, 69 and 70 shall be communicated without delay to the Sub-Registrar concerned.

(ii) When the office in which a document is ordered to be registered is different from the office in which its registration was refused, a copy of the order directing registration shall be sent to both offices.

167. The period prescribed in Sections 66, 67 and 71, shall be calculated excluding the date of the order appealed against or sought to be set aside.

CHAPTER XXV (Sections 63 and 74).

Fees and Fines.

168. (i) The Registering Officer who is responsible for levying the fee, shall determine in the first instance what fee should be paid for a document presented for registration. After it has been paid, the presenting party may, if he is dissatisfied, apply to the Director of Registration, who shall, if he thinks there has been an over-charge, order the Sub-Registrar to refund any excess.

(ii) The Director of Registration shall not take any notice of any such application if presented after six months from the date of levy of the fee or fine.

169. In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commissions, summonses, attendances and travelling allowances, where such fees and allowances have been earned.

170. Registrars and Sub-Registrars are authorised to refund—

(a) fees and fines levied on documents refused registration or returned unregistered; and

(b) unearned fees for commissions, summonses, attendances and travelling allowances, levied in connection with appeal cases, deposits of Wills, powers-of-attorney presented for authentication, or documents presented for registration.

171. Whether a document is admitted to registration or not, all fees and fines shall be at once brought to account.

172. (i) Fees remaining unrefunded on documents refused registration or returned unregistered, for a period of three years from the date on which they become refundable, shall be held to have lapsed to Government. Six months prior to the expiry of the period, a notice shall be sent by registered Anchal to the party concerned, wherever possible, and also be published in the Government Gazette, stating that no claim for refund will be entertained unless preferred within six months from the date of the notice.

(ii) Undisbursed process fees, batta or travelling allowances shall be credited to Government if they are not claimed by the party concerned within six months from the date they become claimable. One month prior to the expiry of the period, a notice shall be issued by registered Anchal, to the party concerned, wherever possible, and also be published in the Government Gazette, intimating the amount claimable and the date on which it should be claimed, with a further intimation that the amount if unclaimed within the specified date, will be credited to Government.

173. The previous sanction of the Director of Registration shall be obtained for the refund of any collections other than those referred to in Rule 170.

174. (i) At stations where there is a treasury the daily collections shall be remitted to the treasury every succeeding day.

(ii) At stations where there is no treasury the collections shall be remitted to the nearest treasury at such intervals as may, from time to time, be prescribed by the Director of Registration.

(iii) A remittance to the treasury shall be accompanied by a chellan duly filled up in duplicate in view to one copy of each chellan being returned signed by the Treasury Officer.

CHAPTER XXVI (Section 77).

Prosecutions.

175. A Registrar or Sub-Registrar shall, if he is satisfied that there are grounds for instituting a prosecution under Section 77, submit to the Director of Registration a full report of the case, setting forth the grounds in detail, and abide by his decision.

CHAPTER XXVII [Section 64 (1) (a)].

Preservation and Destruction of Records.

176. The following books and files shall be filed permanently :—

Book I—Register of non-testamentary documents relating to immovable property.

Book II—Register of Wills.

Book III—Miscellaneous register.

Book IV—Record of reasons for refusal to register.

Book V—Register of deposit of Wills.

Indexes Nos., I to IV, and Subsidiary Index.

Register of Thumb-impressions.

File of translations.

File of appeal orders and judgments and orders of Courts.

177. All other books and records shall be preserved or destroyed under such orders as may be issued from time to time by the Director of Registration, provided that the disposal of such books and records shall be regulated by the Rules made by Government under Regulation III of 1057.

178. (i) In all Registration offices two Registers of records shall be maintained, one relating to the permanent records and the other to the temporary records, and in these Registers separate pages shall be allotted for each series of Books, Indexes and other records.

(ii) All records in an office shall be brought to account in one or other of these Registers according to the instructions issued from time to time as to classification of records. A record shall not be omitted from its appropriate Register on the ground that it has not been completed or has not been bound; for instance, when a volume of Register book or a new Register of thumb-impressions is brought into use, it shall be entered in the Register of permanent records on the day the first document is copied in the volume or the first impression is taken : similarly the Index of a particular year shall be entered in the Register of records even though it may at starting be maintained in loose sheets.

(iii) The date of destruction and the number and date of the order sanctioning the same shall be noted in the record Register against the entry of the record destroyed, each such note being attested and dated by the Registering Officer.

179. [(i) Each Registrar and Sub-Registrar shall submit to the Director of Registration on the first day of Mithunam, a list of records destroyable in the following Chingom. The Director shall, after the list has been checked in his office, return the same with his orders entered thereon.

(ii) As soon as the sanction of the Director for the destruction of the records has been received, the Registering Officer shall prepare a list of the records

and expose it in public in some conspicuous place in the office, with a Notification to the effect that the records mentioned in the list will be destroyed on the expiry of three months from the date of the Notification.

(iii) On the expiry of this period, the records shall be burned in the presence of the Registering Officer.] (a)

180. (i) When a page in a Register book shows signs of crumbling, or an entry, signs of fading, the page or entry shall, with the previous sanction of the Director of Registration, be recopied.

(ii) The sheets containing the re-produced entries shall be preserved in a cover under the seal and signature of the Registering Officer, with a slip pasted over the cover to show its contents.

(iii) When an entry is re-copied, a note of the fact shall be made at the foot of the entry in the original Register. When an entire volume is recopied, a note to that effect shall be entered in red ink on the label on the back of the original volume as well as on the title page, and on the back of the volume containing the reproduced entries a label shall be pasted showing in red ink its contents.

(iv) The original shall be faithfully reproduced as it is found in the Register and any missing or undecipherable letters, words or figures shall not be filled up by guessing from the context.

(v) The entries as copied shall be compared and authenticated as a true copy by the Registering Officer with date and seal.

(vi) The signatures of the clerk who recopies each entry and of the clerk who examines it shall be affixed above the signature of the Registering Officer authenticating the copy.

(vii) Uninitialled interlineations, &c., in the original shall be noted above the signatures of the clerks who copy and compare, and these notes shall be attested by the Registering Officer.

(viii) The interlineations, &c., in the copies of entries shall be noted by the copying clerk and shall be initialled by the Registering Officer.

CHAPTER XXVIII (Section 79).

Unclaimed Documents.

181. In every Registration office a Register shall be maintained to show all documents registered or refused which have been lying unclaimed for over 15 days

---

(a) Amended by Govt. Notifn. dated 20th March 1922.—*T. G. G., dated 28-3-1922, Pt. IV, Registration Dept., P. 60.*

and an abstract of the outstanding entries in this Register shall every half-year be exposed to public view in the office and shall be published in the Government Gazette.

182. (i) The one year mentioned in Section 79 of the Regulation as the period after which a document may be destroyed shall be reckoned in the case of a document which has been registered, from the date of its registration and in the case of a document the Registration of which has been refused, from the date of refusal.

(ii) In calculating the period, the date of Registration or the date of refusal, as the case may be, shall be excluded.

183. (i) No document of which the destruction is authorised by Section 79 shall be destroyed without the previous sanction of the Director of Registration, nor until a notice has been issued in writing to the party entitled to receive the document at least one month before the date fixed for the destruction of the document.

(ii) The destruction shall, when and if sanctioned, take place in the presence of the Registering Officer.

184. (i) When a registered document is destroyed, a note recording its destruction shall be entered in the Register book at the foot of the copy of the document.

(ii) When a document, the Registration of which has been refused, is destroyed, a similar note shall be recorded in Book IV.

(iii) In each case the note shall record the fact that the document has been destroyed under the sanction of the Director of Registration and after notice duly published in the Gazette and issued to the party concerned, and it shall be initialled and dated by the Registering Officer.

CHAPTER XXIX.

Inspections and Enquiries by Registrars.

185. (i) Each Sub-Registry office in a District shall be inspected by the Registrar at least twice in each year, unless for special reasons, the Director of Registration orders otherwise.

(ii) A report embodying the results of his inspection of each office shall be submitted by the Registrar to the Director of Registration in the manner prescribed, from time to time, by the latter.

186. (i) A Registrar shall not, as a rule, require a Sub-Registrar to report officially on any anonymous petition or a petition which is obviously pseudonymous. He may, however, ascertain whether there is any truth in such a petition and if he is satisfied that it is based on truth, he shall submit a report to the Director of Registration and abide by his orders.

(ii) When a petition against a Sub-Registrar or any of his subordinates, is found to be genuine so far as the signatures are concerned, the Registrar shall hold a preliminary enquiry and submit a report to the Director of Registration.

(iii) No formal enquiry shall in any case be undertaken without the previous sanction of the Director of Registration.

CHAPTER XXX.

Powers of the Director of Registration, of Registrars and of Sub-Registrars.

187. The Director of Registration shall have power, where he is satisfied that there are grounds for so doing, to transfer from one Sub-Registrar's file to that of another any enquiry under Section 34 (2) and from one Registrar's file to that of another any enquiry under Section 66 or Section 67.

188. [(1) (a) It shall be competent to the Director to make any appointment on the sanctioned establishment of the Department the pay of which does not exceed Rs. 50 per mensem. All appointments shall be made in accordance with the Rules and orders issued by Government from time to time laying down the qualifications for such appointments.

(b) It shall also be competent to the Director to appoint acting Sub-Registrars in anticipation of sanction in privilege leave vacancies. Provided that such appointments will not give any claim to substantive promotions to the persons so appointed, if there are other legitimate claimants to those promotions: and provided also that such acting appointments should be confined to men already in the service in the Registration Department, no outsiders being appointed to act as Sub-Registrars without the previous sanction of Government.

(2) It shall be competent to the Director to transfer all or any Officers in the Department except District Registrars.

(3) It shall be competent to the Director to grant—

(a) all kinds of leave to all non-gazetted Officers;

(b) privilege leave to all subordinates except District Registrars; and

(c) casual leave to all subordinates including the District Registrars.

(4) It shall be competent to the Director to dismiss, degrade, suspend, discharge, retire under the Rules or accept the resignation of any Officer whom he is competent to appoint. Before the Director dismisses, degrades, suspends or discharges an Officer, he shall take the written explanation of such Officer, it being

however competent to the Director to suspend an Officer pending the submission by the latter of his explanation. The final order of the Director dismissing, degrading, suspending or discharging an Officer shall state—

Firstly, the charges against such Officer;

Secondly, the evidence in support of such charges;

Thirdly, the finding on each charge, and

Fourthly, the previous punishments if any, imposed on the Officer, and, the latter shall be furnished by the Director with a copy of the order imposing the punishment.

(5) The Director may fine any Officer subordinate to him except District Registrars, provided however that no fine shall exceed Rs. (5) five at a time.

(6) It shall be open to a subordinate punished by the Director to appeal against the order of punishment within sixty days after the receipt by him of the copy of the order appealed against, provided, however, that no appeal shall lie against an order imposing a fine.

189. (1) It shall be competent to a District Registrar to make any appointment on the sanctioned establishment of his own office, or of the offices subordinate to him, the pay of which does not exceed Rs. 25 per mensem.

The appointments will have, of course, to conform to the Rules and orders issued by Government from time to time.

(2) It shall be competent to a District Registrar to sanction transfers of his non-gazetted subordinates within his District.

(3) It shall be competent to a District Registrar to grant—

(*a*) any kind of leave to any Officer whom he is competent to appoint; and

(*b*) casual leave to any Officer subordinate to him except a Sub-Registrar.

(4) It shall be competent to a District Registrar to dismiss, degrade, suspend, discharge, retire under the Rules or accept the resignation of any Officer whom he is competent to appoint.

In dismissing, degrading, suspending or discharging an Officer, the District Registrar shall follow the procedure prescribed for the guidance of the Director, in this behalf.

(5) It shall be competent to a District Registrar to fine any Officer subordinate to him except a Sub-Registrar, provided that no fine shall exceed Rs. (2) two at a time.

(6) It shall be open to an Officer punished by the District Registrar to appeal to the Director against the order of punishment within sixty days after the receipt by him of the copy of the order appealed against, provided however that no appeal shall lie against an order imposing a fine nor shall a second appeal lie from an order of punishment imposed by a District Registrar and confirmed in whole or in part by the Director.

190. (1) It shall be competent to a Sub-Registrar—

(a) to make any appointment on the sanctioned strength of his office, the pay of which does not exceed Rs. (11) eleven per mensem,

(b) to grant casual leave to any Officer subordinate to him,

(c) to dismiss, degrade, suspend, discharge, retire under the Rules or accept the resignation of any Officer whom he is competent to appoint and subject to the restrictions on the exercise of such powers by the Director and the District Registrars,

(d) to fine all non-gazetted subordinates under him up to Re. (1) one at a time but not exceeding 1/10th of their pay.

(2) It shall be open to an Officer punished by the Sub-Registrar to appeal to the District Registrar against the order of punishment within sixty days after the receipt by him of the copy of the order appealed against, provided however that no appeal shall lie against an order imposing a fine nor shall a second appeal lie to the Director against an order of punishment imposed by a Sub-Registrar and confirmed in whole or in part by the District Registrar.] (‡)

---

‡ Revised Rules defining the powers of the Director of Registration, District Registrars and Sub-Registrars were sanctioned in G. O. R. Dis. No. 918/Judl., dated 15th/21st July 1927, with effect from the 1st Karkadakom 1102 (*T. G. G., dated 26-7-1927, Pt. I, Pp. 1003-1004*). These provisions have been inserted in Rules 188, 189 and 190, for facility of reference.

Appendix VII containing Forms A, B, C and D regarding returns of appointments, transfers, leave and punishments, is omitted as the revised Rules do not provide for them.

Appendix I.

(RULE 14).

Book I.—Register of non-testamentary documents relating to immovable property.

Book II.—Register of Wills.

Book III.—Miscellaneous register.

Copy of document.	Copy of endorsements and certificate.

Book IV.—Record of reasons for refusal to register

(1) No.	Stamp.	Date of document.	Date and hour of presentation.
(2) Name and addition of the presentant.			Reasons for refusal. (NOTE.—When a document refused registration is, on appeal, ordered to be registered or when the refusal is confirmed, a note of the fact shall be entered at the foot of this column).
(3) Name and addition of the executants. (4) Name and addition of persons examined. (5). Abstract of document, together with the names of all claimants and all attesting witnesses. (NOTE:—If the document is partially registered, it will suffice to enter under this the number of the document with the volume and page).			Date 110 . Signature of Registering Officer.

NOTE.—Columns (2) to (5) need not be filled up in the case of refusals by the Registrar in appeal. But the number and year of appeal and the name of the appellant and respondent shall be entered at the top of the column "Reasons for refusal".

Appendix I.—*Concluded.*

BOOK V.—Register of Deposits of Wills.

(1) Number.

(2) Date and hour of presentation.	
(3) Name and addition of testator.	
(4) Name and addition of agent, if any.	
(5) Superscription on sealed cover.	
(6) Number of seals.	
(7) Inscription of the seal.	
(8) Names and additions of persons testifying to the identity of the depositor.	
Date 110 .	Signature of Registrar.
(9) Date of application to withdraw sealed cover.	
(10) Names and additions of persons testifying to the identity of applicant.	
(11) Date of delivery of sealed cover to applicant.	
Signature of applicant.	Signature of Registrar with date.
(12) No. of document in Book II.	
(13) Whether opened after the death of the testator or on requisition from Court.	
(a) Date of removal to Court.	
(b) Date of its return, when returned.	

Appendix II.

(RULE 143).

Memorandum under Sections 59 and 60.

	Office of original registration.	Volume.	Page.	Number.	Date of registration.
1					
2	Date of execution.				
3	Date of presentation.				
4	Name and addition of presentant.				
5	Names and additions of executants.				
6	Names and additions of claimants				
7	Nature and value of transaction.				
8	Pakuthi and Sub-District in which property is situated and name and description of property.				

Prepared by (Signature) (Designation)

Examined by Signature (Designation) Reader.
Signature (Designation) Examiner.

Date 110 . (Seal) Signature of Registrar.

NOTE.—A detailed description of property lying in a Sub-District other than that to which the memorandum is sent need not be entered in column 8, but, instead, the names of the Pakuthis in which the properties of those Sub-Districts are situate shall be shown separately.

Appendix III.

(RULE 57).

Register of thumb-impressions.

Number, book and year of document or number of power-of-attorney attested.	Signature and impression of the left thumb of the executant with date and initials of the Registering Officer.

NOTE.—When an impression has been obtained from a person other than the executant or when a finger other than the left thumb has been used in affixing the impression, the fact should be noted under the impression.

Each impression on this page has been affixed in my presence and under my supervision by the person whose name is entered next to it.

Date... ....110 .

Signature of Registering Officer.

Appendix IV.

(RULE 80).

Sample forms of endorsements and certificate under Sections 44, 50 and 53 of the Registration Regulation.

1. Presented in the office of the Sub-Registrar of .....at (time) on the ..... 110........ by.........

Signature of A. B. (with addition).
(agent of T. G.)

2. Execution (and receipt of Rs.........being consideration in whole or in part) admitted by

Signature of C. G. (with addition).

Known personally to me.

(Impression) Left thumb. Signature of E. F. (with addition)
(representative of G. H.)

(Impression) Left middle finger. Signature of A. B. (with addition) [agent of I. J. under a general (or special) power-of-attorney dated . ...and authenticated by the Sub-Registrar of ....]

The executant K. L. (with addition) while admitting execution of the document declines to affix his signature to the endorsement.

Identified by

Signature of M. N. with addition.

Do. O. P. Do.

Rupees .... were paid (or jewels described in the instrument were delivered) in my presence by.........to......

Signature of payer (or deliverer).
Signature of payee (or recipient).
Signature of Sub-Registrar.

Date.

Execution admitted at the private residence of......... in.........(Pakuthi, house or street by.........

(Impression) Left thumb. Signature of S. T. with addition.

Identified by.........

Signature of U. V. with addition.
Signature of W. X. with addition.
Signature of Sub-Registrar,

Date ....

Registered as No.........of 110......of book......Volume......page......

Fee paid Rs.............

Date.........

Signature of Sub-Registrar.

(Seal)

When registration is only partially effected in the first instance—

Presented at the private residence of ....in (Pakuthi, house or street) at (time) on the ....110......by.........

Signature A. B.

Date...........

Signature of Sub-Registrar.

Execution admitted in the office of the Sub-Registrar of......by E. F. (with addition) who however declines to affix his signature to the endorsement.

Known personally to me.

Date...........

Signature of Sub-Registrar.

Registered as No ....of 110......of book... .....Volume.........page. ...... as regards E. F.

Fee paid Rs ... ..

Date ....

Signature of Sub-Registrar.

(Seal)

Presented again in the office of the Sub-Registrar of......at (time) on the .. ..110..... under the orders of the Registrar of......dated......110 .....passed in appeal No......of 110......by......

Signature of A. B. (with addition).

Identified by.........

Signature of I. J. (with addition).
Signature of K. L. (with addition).

Date... ....

Signature of Sub-Registrar.

Registered as No......of 110......of book .....Volume......page......as regards G. H. (with addition).

Fee paid—nil.

Date........

(Seal)

Signature of Sub-Registrar.

Appendix V.

(RULE 118)

Index No. I.

Name of		Addition.	Pakuthi in which the property is situated.	Office of original registration.	Volume.	Page of entry.	Register No. of document.
Executant	Claimant.						
1	2	3	4	5	6	7	8

Index No. II.

Pakuthi in which property is situated.	Sub-District.	Taluk.	Name and description of property.	Date of		Nature and value of transaction.	Name of		Stamp.	Registration fee.	Office of original registration.	Volume	Page of entry.	Register No. of document.
				Execution	Presentation.		Executants.	Claimants.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Index No. III.

Name of		Addition.	Nature and value of transaction.	Stamp.	Registration fee.	Volume.	Page of entry.	Register No. of documents.
Executant	Claimant.							
1	2	3	4	5	6	7	8	9

Appendix V.—*Continued.*

Index No. IV.

Name.		Addition.	Value of document.	Registration fee.	Volume.	Page of entry.	Register number of document.
Executant.	Claimant.						
1	2	3	4	5	6	7	8

Appendix V.—*Concluded.*

Subsidiary Index.

(RULE 121.)

Survey No. and Sub-division.	Number and year of document registered.
1	
2-A	
2-B	
3	
4-A 1	
4-A 2	

Appendex VI.

(RULE 59).

Commission issued under Section 26 or Section 31 of the Registration Regulation.

To

X. Y.

Whereas the accompanying document (or power-of-attorney) dated the...... and purporting to have been executed by A. B. (with addition) has been presented for registration (attestation) in this office and whereas it is necessary that it should be ascertained whether the document (power-of-attorney) has been executed (voluntarily executed) by the said A. B., you are hereby requested (directed)........ ...to examine the said A. B. on the said point and to return this commission with the examination of the said A. B. to this office on or before the... ..day of......110......

Given under my hand and seal this ....day of ....110...... .....

(Seal)

Signature of Registering Officer.

Table of Fees under Section 72 of the Registration Regulation, II of 1087.

I. (a) Registration of documents in Books I and III.

			Rs.	Ch.	C.
(1)	Where the value does not exceed Rs. 25	...	0	14	0
(2)	Where the value exceeds Rs. 25 but does not exceed Rs. 50	...	0	21	0
(3)	Where the value exceeds Rs. 50 but does not exceed Rs. 100	...	1	0	0
(4)	Where the value exceeds Rs. 100 but does not exceed Rs. 300	...	2	0	0
(5)	Where the value exceeds Rs. 300 but does not exceed Rs. 600	...	3	3	0
(6)	Where the value exceeds Rs. 600 but does not exceed Rs. 1000	...	4	0	0
(7)	Where the value exceeds Rs. 1000 but does not exceed Rs. 5000	...	5	0	0
(8)	When the value exceeds Rs. 5000—For every Rs. 1000 or part thereof	...	1	0	0
	NOTE:—One pound sterling or pound currency is equivalent to Bh. Rs. (15) fifteen.				
(9)	For the registration of powers-of-attorney	...	2	0	0

Rs. Ch. C.

(*b*) The consideration expressed in a document shall generally be taken to be the value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document shall be taken.

(*c*) The principles laid down in Sections 7, 8, 21, 22, 24 and 27 of the Travancore Stamp Regulation, IV of 1080, shall apply to the calculations of value for the purpose of determining the registration fee.

(*d*) In the case of leases the value shall be taken—

(1) at the total rent for the whole term when the lease is for one year or less;

(2) at the average annual rent multiplied by the number of years constituting the term when the lease is for more than one year, provided, however, that when the term exceeds 12 years, the value for registration purposes shall be taken at the rental for twelve years

NOTE.—In *Pathivaram* leases of paddy lands, the annual rent shall be calculated at the rate of four times the seed sown in the case of *oruppoo* lands, and seven times the seed sown in the case of *iruppoo* lands.

(3) When a fine or premium is paid or made payable, or money is advanced, that amount also should be added to the value. When a lessee undertakes to pay assessment, quit-rent, &c., in addition to the rent, the said payment should also be added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, the money value shall be calculated at the market rates.

(4) In the case of a Kanapattom lease, the value for registration purposes shall be taken at twelve times the annual *Michavaram* and other customary dues, plus the Kanom or consideration amount.

(e) Transfers and surrenders of leases shall be assessed to registration fee on the amount of consideration inclusive of the value of improvements, if any, or when no consideration is expressed, on the value of the original lease in the case of transfers, and on the average annual rent in the case of surrenders.

(f) In the case of *Pidipadoos* granted by Government creating rights to immovable property without any consideration, the value shall be taken at twelve times the annual rent specified. When however such *Pidipadoos* are granted by Government for a consideration, the value shall be taken to be such consideration.

(g) In the case of deeds of partition, the net value (*i. e.* the gross value, minus such encumbrances as are charged specifically on the property) of the separated share or shares on which stamp duty is payable shall be taken as the value or consideration.

NOTE:—Property which the co-owners agree to divide *in severalty* at a future date should be included in the calculation.

(h) A sale deed falling within the Proviso to the Explanation in Section 26 of the Stamp Regulation shall be assessed to registration fee with reference to the total consideration for the sale including the mortgage debt discharged thereby.

(i) In mortgages, only the principal secured shall be taken into consideration for assessment to registration fee.

When, however, a further sum by way of future interest or profits is added to the principal at the time of the execution of a document and it is agreed that the whole amount shall be repaid either in lump or

	Rs.	Ch.	C.
by instalments, the registration fee shall be calculated on the total amount payable.			
(*j*) The value of a receipt for payment made shall be calculated with reference to the amount for which it actually purports to be a receipt, previous payments mentioned in the receipt by way of recital being excluded from the calculation.			
(*k*) When a duplicate or counter-part of a document is presented for registration *on the same day* as the original document, the registration fee for such duplicate or counterpart shall, if the original document is also accepted for registration, be	0	14	0
(*l*) In the case of a chitty bond with or without property security, registration fee shall be assessed to the amount of the future instalments for the payment of which the prize-winner or bidder of the chitty binds himself or gives security, whatever be the statement in the document in regard to the receipt or payment of the amount of past instalments.			
(*m*) In the case of a dissolution of partnership the net value of the partnership property (*i. e.*, the gross value, minus the joint debts due from the partnership) shall be taken as the value for registration purposes.			
(*n*) In the case of a divorce deed which, in addition to evidencing dissolution of marriage between a husband and his wife, includes also relinquishment by the mother of the rights of minor children over the properties of their father, the registration fee leviable shall be the aggregate amount of the fees leviable on a divorce and a release.			
(*o*) The registration fee for a deed rectifying an error in a previously registered deed shall be the same as the fee leviable on the original document subject to a maximum of	2	0	0

	Rs.	Ch.	C.
(*p*) The registration fee for a deed of cancellation shall be the same as the fee leviable on the original document subject to a maximum of	5	0	0
(*q*) In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is not fully expressed, the fee leviable shall be	5	0	0
Provided that in cases where the value of any portion of the property or consideration is given and that value exceeds Rs. 2,500, the fee shall be levied on the value of that portion expressed.			
NOTE.—In the case of documents evidencing petty transactions incapable of valuation, the Director of Registration may, if he considers that the levy of a fee of Rs. 5 would be productive of hardship, authorise Registering Officers to levy a lower fee which however, shall not be less than	0	14	0
II. Filing translation under Section 12—Extra fee of	1	0	0
III. Registration by the Sub-Registrars of the Head-quarters of Districts under Section 23—Extra fee of	10	0	0
NOTE.—No additional extra fee shall be levied under this Article for the registration of a counter-part or duplicate in respect of which the ordinary fee of half a rupee has been paid, if such counter-part or duplicate is presented for registration on the same day as the original document, when the original document is also accepted for registration.			
IV. Memoranda under Sections 59 and 60 for each copy required	0	14	0
V. Registration of Wills in Book II—			
(1) Opening a sealed cover and entering the contents in the Register	2	0	0
(2) Will presented open	4	0	0
(3) Revocation of Will	4	0	0
VI. Sealed covers (Book V).—			
(1) Deposit of a sealed cover purporting to contain a Will	2	0	0
(2) Withdrawal of any such cover ...	2	0	0

	Rs.	Ch.	C.
VII. Attesting powers-of-attorney—			
(1) Special power	0	14	0
(2) General power	1	0	0

NOTE 1.—A single fee shall be levied for the attestation of a power-of-attorney whatever may be the number of signatories to it, provided that all of them appear simultaneously before the Registering Officer. Where they do not so appear a separate fee shall be levied for each set of persons appearing at the same time.

NOTE 2.—The duplicate or duplicates of a power-of-attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon.

VIII. Issue of commissions or attendance at a private residence or Jail under Section 24.

(1) For every attendance at a private residence—

(a) for recording the admission of one or more documents executed by one and the same individual, or

(b) for the acceptance for registration of one or more documents executed in favour of one and the same individual, or

(c) for the attestation of one or more powers-of-attorney executed by one and the same individual, or

(d) for the examination of one and the same individual under Sections 26 and 31,

an extra fee, besides travelling allowance, of 10 0 0

shall be paid.

(2) For every attendance at a Jail or at the residence of a person exempted on account of bodily infirmity such as would make it impossible without risk of life, to attend the Registration office—

(a) for recording the admission of one or more documents executed by the same person, or

(b) for the acceptance for registration of one or more documents executed in favour of the same person, or

	Rs.	Ch.	C.
(c) for the attestation of one or more powers-of-attorney executed by one and the same individual, or			
(d) for the examination of one and the same individual under Sections 26 and 31, the extra fee to be paid besides travelling allowance, shall be,	7	0	0

Provided that in the course of attendance at a private residence in respect of a person executing a document, the Registering Officer may record also the admission of the person or persons executing the counter-part of the same document without levy of additional attendance or commission fee.

	Rs.	Ch.	C.
IX. (1) No fee shall be levied for the safe custody of a document which remains unclaimed for fifteen days after registration, or after registration is refused; but for every fifteen days or part thereof after such period calculated from the date when the document is ready for delivery, a fee of chuckrams 14 shall be levied, provided that the maximum fee leviable under the Clause shall not exceed	5	0	0

NOTE.—The Director of Registration is empowered in his discretion to remit in whole, or in part, fees leviable under this Article in cases in which it appears to him that their exaction would be productive of injustice or hardship.

(2) For the levy of a safe custody fee, both the original and the duplicate or duplicates of a document shall be treated as one document.

(3) The period of fifteen days during which a document may be returned without levying any fee for safe custody, shall be calculated excluding the date when the document is ready for delvery.

X. The fees for serving summonses issued and for remuneration of witnesses summoned under Sections 29 and 30, shall be regulated according to the scale prescribed for the Courts of District Munsiffs.

	Rs.	Ch.	C.
XI. (1) Registrars shall be allowed travelling allowance at the rate of 10 Chs. 8 cash per mile for proceeding to, and returning from, any private residence or Jail; and Sub-Registrars for similar journeys shall be allowed travelling allowance at the rate of 8 Chs. per mile. A peon accompanying a Registrar or Sub-Registrar shall be allowed a daily allowance at the rate of 6 Chs.			
(2) No travelling allowance or daily allowance shall be levied when the Registering Officer and his peon perform the journey in respect of the whole distance in a conveyance provided by the party.			
XII. (1) Search for, or inspection of, a single entry or document—			
For the first year in the books of which search is made	1	0	0
For every other year in the books of which search is continued, for each entry or document	0	7	0
Provided that the maximum fee leviable under this Clause shall be	5	0	0
(2) General search for, or inspection of, any number of entries or documents relating to one and the same property, or to a property or properties belonging to one and the same individual or family or executed by or in favour of one and the same individual or family—			
For the first year in the books of which search is made	2	0	0
For every other year in the books of which search is continued	0	14	0
Provided that the maximum fee leviable under this Clause shall be	10	0	0
(3) A fixed fee of one rupee only shall be charged without reference to the number of years in			

		Rs.	Ch.	C.
	the books of which search is made, when a general search is made on the application of a Public Officer with a view to his granting an encumbrance certificate in connection with a security by a public servant for the due performance of his duties.			
	[No fee shall be charged when a search is made with a view to an encumbrance certificate being granted for purposes connected with a loan under the Land Improvement and Agricultural Loans Rules.] (a)			
	(4) Every application for the continuance of a search, made after one week from the date of completion of that search, shall be treated as a fresh application.			
	(5) Every application for the grant of a certified copy unless made at the time of registration of a document, shall be considered as an application for search and charged accordingly.			
	(6) The Director of Registration may, in his discretion, remit in part, the fee leviable under this Article when it appears to him that the exaction of full fee would be productive of hardship.			
XIII.	Making or granting copies of reasons, entries or documents, for the benefit of any person—			
	For each copy filling not more than two pages	0	14	0
	For each additional page when the copy fills more than two pages	0	3	8

NOTE.—Government Officers who may require to search the Registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(a) See Govt. Notifn. D. Dis. No. 2282 Judl., dated 29th October 1921.— *T. G. G., dated 8-11-1921, Pt. IV, Registration Dept., P. 341.*

REGULATION III OF 1087.

A Regulation to amend the Revenue Recovery Regulation, I of 1068,

Passed by His Highness the Maha Raja of Travancore, on the 31st January 1912, corresponding to the 18th Makarom 1087, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Revenue Recovery Regulation, I of 1068; It is hereby enacted as follows:—

I. Substitute the following for Section 51 of the Regulation:—

"Nothing in this Regulation shall be held to prevent parties, deeming themselves aggrieved by any decision or order passed or proceedings taken, under this Regulation, for arrears due or alleged to be due from such parties, from suing the Government in the Civil Courts.

Provided that such suits shall be preferred within one year from the time at which the cause of action arose.

Provided further that the whole time occupied by the Dewan in revising the proceedings under Section 50, shall be excluded from the computation of the period of limitation of the said one year."

REGULATION IV OF 1087.

A Regulation to amend the Stamp Regulation, IV of 1080,

Passed by His Highness the Maha Raja of Travancore, on the 31st January 1912, corresponding to the 18th Makarom 1087, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Stamp Regulation, IV of 1080; It is hereby enacted as follows:—

In the Schedule of the said Regulation, the following amendments shall be made.

I. For Article No. 5, the following shall be substituted:—

5. Agreement or memorandum of an agreement—

(*a*) if relating to the sale of a bill of exchange;	Two annas.
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate;	Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the security or share.
(*c*) if not otherwise provided for.	Eight annas.

Exemptions

Agreement or memorandum of agreement—

(*a*) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 43;

(*b*) made by the ryots for the cultivation of cardamoms for Our Government.

II. In Article No. 12, for Clause (*b*), the following shall be substituted :—

			If drawn singly.			If drawn in set of two for each part of the set.			If drawn in set of three, for each part of the set.		
(*b*) Where payable otherwise than on demand, but not more than one year after date or sight—			Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
If the amount of the bill or note		Rs.									
	does not exceed	200	0	2	0	0	1	0	0	1	0
If it exceeds Rs. 200 &	Do.	400	0	4	0	0	2	0	0	2	0
Do. 400	Do.	600	0	6	0	0	3	0	0	2	0
Do. 600	Do.	1,000	0	12	0	0	6	0	0	4	0
Do. 1,000	Do.	1,200	1	2	0	0	9	0	0	6	0
Do. 1,200	Do.	1,600	1	8	0	0	12	0	0	8	0
Do. 1,600	Do.	2,500	2	4	0	1	2	0	0	12	0
Do. 2,500	Do.	5,000	4	8	0	2	4	0	1	8	0
Do. 5,000	Do.	7,500	6	12	0	3	6	0	2	4	0
Do. 7,500	Do.	10,000	9	0	0	4	8	0	3	0	0
Do. 10,000	Do.	15,000	13	8	0	6	12	0	4	8	0
Do. 15,000	Do.	20,000	18	0	0	9	0	0	6	0	0
Do. 20,000	Do.	25,000	22	0	0	11	4	0	7	8	0
Do. 25,000	Do.	30,000	27	0	0	13	8	0	9	0	0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000—			9	0	0	4	8	0	3	0	0

III. In Article No. 14, in the first column, for 'Rs. 25', 'Rs. 10' shall be substituted.

IV. In Article No. 27, the following shall be substituted :—

27. Debenture (whether a mortgage debenture or not), being a marketable security transferable—	
(a) by endorsement or by a separate instrument of transfer;	The same duty as a Bond (No. 14) for the same amount.
(b) by delivery.	The same duty as a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.

Explanation.—The term 'Debenture' includes any interest coupons attached thereto but the amount of such coupons shall not be included in estimating the duty.

Exemption.

A debenture issued by an incorporated Company or other body corporate, in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the Company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders; Provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.

V. In Article No. 30, for Clause (a), the following shall be substituted :—

(a) High Court	Three hundred and fifty rupees.

VI. In Article No. 38, in the second column, for 'five rupees', 'ten rupees' shall be substituted.

VII. In Article No. 43, the following shall be substituted :—

43. Note or memorandum sent by a broker or agent to his principal, intimating the purchase or sale on account of such principal—	
(*a*) of any goods exceeding in value twenty rupees:	Two annas.
(*b*) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the stock or security.

VIII. In Article No. 54, the following shall be substituted :—

54. Reconveyance of mortgaged property—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000;	The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the reconveyance.
(*b*) in any other case.	Ten rupees.

IX. In Article No. 59, in the second column, for the words "Three-quarters of" the words "One and a half times" and in the *Exemptions*, for the word "three-quarters" each time it occurs, the words "one and a half" shall be substituted.

X. In Article No. 62, in the second column, for the word "One-quarter" where it occurs opposite Clauses (*a*) and (*b*), the word "One-half" shall be substituted.

REGULATION V OF 1087.

A Regulation to amend the Travancore Breach of Contract Regulation, II of 1080,

Passed by His Highness the Maha Raja of Travancore on the 31st January 1912 corresponding with the 18th Makarom 1087, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Breach of Contract Regulation, II of 1080; It is hereby enacted as follows:—

I. (i). In Section 3, insert the words "or provisions or clothing or any one or more of them" between the words "received money" and "from any company".

(ii) Add the following as Explanation to the Section:—

Explanation.—The expression 'in advance on account of work' shall mean and include all payments of moneys or provisions or clothing or any one or more of them, made at the time of the making of the contract, as well as during the continuance of such contract.

REGULATION VI OF 1087. (a)

THE COURT FEES REGULATION.

CONTENTS.

Preamble.

Sections.

1. Short title 1

   Local extent.

   Commencement.

2. Repeal.

(a) Amended by Regulation VIII of 1100.

The figures on the right refer to the corresponding Sections of the British Indian Court Fees Act, VII of 1870, as amended by subsequent enactments up to Act No. XXXVIII of 1920.

COURT FEES

CHAPTER I.

Fees in Courts and Public Offices.

Sections.

3. Fees on documents filed, etc., in Courts or in Public Offices ... 6
4. Computation of fees payable in certain suits 7
   i. For money.
   ii. For maintenance, annuities or other sums payable periodically.
   iii. For other movable property having a market-value.
   iv. (a) For movable property of no market-value.
   (b) For an injunction.
   (c) For settlement of accounts.
   (d) For easements.
   v. (a) For lands and gardens.
   (b) To eject tenants.
   (c) To enforce a right of pre-emption.
   (d) To obtain a declaratory decree.
   vi. To enforce a right of pre-emption in respect of trees and houses.
   vii. To set aside an attachment.
   viii. For specific performance.
   ix. Between land-lord and tenant.
   x. Where the defendant pleads set-off.
5. Fee on memorandum of appeal 8
6. Multifarious suits 17
7. Highest fee payable where several reliefs are sought for.
8. Power to ascertain market-value 9, 10
   Procedure where it is wrongly estimated.
9. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed ... 11
10. Decision of questions as to valuation 12
11. When Courts may order refund of Court fees ...13, 14, 15
12. [*Repealed by Regulation VIII of 1100.*]
13. Exemption of certain documents 19

CHAPTER II.

Process Fees.

14. High Court to make Rules as to process fees ... 20
15. Table of process fees 21

CHAPTER III.

Of the Mode of Levying Fees.

Sections.

16. Collection of fees in stamps 25
17. Stamps to be impressed or adhesive 26
18. Rules for supply, number, renewal and the keeping of accounts of stamps 27
19. Proper fee levied on documents inadvertently received ... 28
20. Amended document 29
21. Cancellation of stamp 30

CHAPTER IV.

Miscellaneous.

22. Power to reduce or remit fees 35
23. Repayment of fees paid on application to Criminal Courts ... 31
24. Admission in Criminal cases of documents for which proper fee has not been paid... 33
25. Sale of stamps 34

Schedule I.—*Ad Valorem Fees.*

Schedule II.—*Fixed Fees.*

A Regulation to modify and re-enact the law relating to Court-Fees

Passed by His Highness the Maha Raja of Travancore, on the 24th February 1912, corresponding with the 12th Kumbhom 1087, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to modify and re-enact the law relating to the fees payable on suits, appeals or other Civil and Revenue proceedings and petitions, and to levy fees on certain class of Criminal petitions; It is enacted as follows:—

Court Fees law.—(1) Regulation I of 1010 which extended the powers vested in the Munsiffs and defined their jurisdiction, contained the following provisions:—"Sec. 8. Munsiffs shall be entitled to levy from the plaintiff in all suits preferred before them a fee of five rupees per cent, on the amount or value in dispute.

"Sec. 9. The Rule hitherto in force that all complaints regarding Adaulat Cases should be preferred on stamped cadjans is hereby cancelled, and in lieu thereof it is

enacted that henceforth all such complaints together with the proceedings shall be written on unstamped cadjans, but the Decrees of the Courts are to be written on country or China paper".

Regn. IV of 1010 which extended the powers of jurisdiction vested in the Zilla Judges, enacted :—"Sec. 10. The fees to be levied upon suits preferred before the Zilla Court are regulated as follows.

From 1 to Rs. 1000 at 5 per cent.
Do 1001 to „ 10,000 at 4 per cent.
Do 10,001 to „ 25,000 at 3 per cent.
Do 25,001 and upwards at 2 per cent".

(2) It was in the year 1053 that the first of the series of enactments on the subject was passed. The State Report says :—" 3. The practice which regulated the determination of institution fees on Civil suits in our Courts was that a fee of 5 per cent. was levied on such suits only as were valued at 1,000 Rupees or less, and that, when the suit was of higher value, the fee on the whole amount fell to 4 or 3 or 2 per cent. according as the subject of litigation was estimated to be above 1,000 or 10,000 or 25,000 Rupees. In this respect, we differed from the practice of the British Indian Courts, where the centage falls as the value of the suit rises, but the higher percentage is still maintained up to the maximum of the amount for which it would have been leviable if the suit was not in excess of that amount.

"4. The practice of the British Courts had the advantage of our own in this respect, that it destroyed the inducement on the part of a plaintiff to value the subject of his litigation higher than it really was with a view to a reduction in fee and thus to cheat the Government out of its legitimate dues. The effect was demoralising, while the public exchequer lost what it was fairly entitled to. This state of things rendered imperative an amendment of Section 10 of Regulation IV of 1010 which directed the scale of fees. The introduction of a scale of fees on petitions, &c., presented to the Courts was deemed necessary with the view to check reckless and indiscriminate presentation of petitions.

"5. His Highness the Maha Raja was therefore pleased to enact Regulation II of 1053, having for its object the revision of the existing scale of Court Fees and introduction of a scale of Fees on Vakalaths, Petitions and other Documents, presented to the Courts."— *A. R., 1053.*

(3) This Regulation was repealed in 1062 by Regulation I of 1062 which was passed "to modify and re-enact the law relating to the fees payable on suits, appeals and other civil proceedings and to levy court fees on a certain class of criminal petitions". The object was thus explained in the State Report:—"The existing law on the subject—Regulation II of 1053—was very imperfect. It contained no rules for the valuation of suits and for fixing the amount of court fees leviable in suits whose value could not be estimated. There were, further, no provisions in it to enable Courts to refund court fees in cases where the party had a good reason to claim such refund. To remedy these defects and to levy a fee in cases of criminal trespass, defamation, disputed possession, &c., which partake of the nature of civil proceedings, it was found necessary to pass the present law. It has also, where necessary, lightened the existing tax on certain classes of suits."— *A. R., 1062.*

(4) Regn. I of 1062 has been repealed by the existing law.

Regn. VI of 1087:—I. *Objects and Reasons*—(1) " • Past experience in the working of the Regulation has disclosed the necessity for its modification, to keep abreast of the progressive state of the litigation in the country, and to bring it on a line with the enactment on the subject in British India. The Bill does not contemplate any material variation from the scale of fees prescribed by the existing law ; but it proposes to add to the Schedule certain documents received or furnished by Public Officers, and to levy some light fees thereon as is done in British India, under the Court Fees Act. No. VII of

1870. The Schedules have been recast mostly on the lines of the said Act. Certain alterations have also been made in the body of the Regulation to render its provisions clearer; and wherever in any respect the existing law was found to operate too severely on the litigant public, the necessary amendments have been made."—*S. O & R.*

(2) In moving that the principle of the Bill be affirmed, the Official Member in charge said :—"On a perusal of the Bill already published, it will be seen that a few important amendments are proposed to be made in the existing provisions of Regulation I of 1062. They relate chiefly to the following matters :—(1) The levy of fees on documents received in, or furnished from, any public office.

(2) The mode of levying fees in suits for establishment of the right of an assignee of land revenue and in suits in which defendants plead a set-off.

(3) The levy of fees on memoranda of appeal against orders relating to compensation in Land-acquisition cases

(4) A new para is added to Section 8 of the existing Regulation whereby, if, in suits for partition or accounts, the Court gives a decree for recovery of property, the Court fee on the relief granted is to be paid before execution: a para is also added whereby, if, in suits for recovery of immovable property the Court decrees that the plaintiff ought to pay further charges (not admitted in the plaint) or value of improvements, Court fee on the further amount decreed should be paid before execution.

(5) The refund of Court fee to parties in two cases is added to the present Sec. 10 of Regn. I of 1062.

(6) To the existing list of exemptions from Court fees, eight additions have been made.

(7) The levy of fees in stamps, instead of in cash, is regulated by a new Chapter.

(8) The Sirkar is given the right to realise excess fees ordered by Courts, as if the order was a decree in its favour.

From the above statement of amendments embodied in the Bill, it will be seen that some of the provisions impose an additional burden on the litigant public, while some others go to reduce it, and the rest simply relate to purely administrative matters. * * "— *L. C. P., dated 16-9-1909.*

II. Leave to introduce the Bill was applied for and granted at the meeting held on 1-6-1908 (*T. G. G., dated 16-6-1908*). The Bill was published in the Gazette dated 15-6-1909. The principle of the Bill was affirmed and the Bill referred to a Select Committee on 15-9-1909 (*T. G. G., dated 28-9-1909*). The Committee's Report was published on 10-5-1910. In presenting the Report to the Council on 12—9—1910, the Member in charge proposed to substitute revised Schedules of fees for those appended to the Bill. As due notice of the fresh Schedules had not been given to the public or to the Members, the consideration of the Bill was postponed, the new Schedules being in the meantime published in the Gazette (*T. G. G., dated 27-9-1910*). The new Schedules were published on 25—10—1910. At the meeting of the Council on 30-11-1910 when the Bill was taken up, the general sense of the meeting was that, in view of the importance of the measure, the Bill should be referred back to a Select Committee. The Bill was accordingly recommitted to another Select Committee (*T. G. G., dated, 13-12-1910*). The Second Committee's Report was published on 9-5-1911. It was presented to, and considered by, the Council on 1-6-1911 (*T. G. G., dated 20-6-1911*). The Bill was finally read and passed on 8-1-1912 (*T. G. G., dated 23-1-1912*). The Regulation was published in the Gazette dated 27—2—1912.

Regn. VIII of 1100: The Second Schedule of this Regulation repealed Sec. 12 and Article VII of Schedule II of Regn. VI of 1087. See Note under that Regulation.

1. This Regulation may be called "The Court Fees Regulation."

Short title.

It extends to the whole of Travancore. And it shall come into force on the first day of Edavom 1087.

Local extent.
Commencement.

2. Regulation I of 1062 and para 2 of Section 26 of the Land Acquisition Regulation, III of 1067, are hereby repealed.

Repeal.

CHAPTER I.

Fees in Courts and Public Offices.

Fees on documents filed, etc., in Courts or in Public Offices.

3. No document of any of the kinds specified in the First or Second Schedule to this Regulation annexed, shall be filed, exhibited, or recorded in any Court of Justice (or shall be received in or furnished from any Public Office), unless, in respect of such document, there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

Computation of fees payable in certain suits.
For money.

4. The amount of fee payable under this Regulation in suits, original or appeal, shall be computed as follows :—

i. In suits for money (including suits for rent, pattom, michavarom, adukkuvathu, olappanom, or other dues of like nature, damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed :

Sec. 3 : Case Law.

The requisite Court fee on an appeal memo was paid nearly one and a half months after the day on which the appeal should have been filed and no extension for the payment of the same had been granted by the Court. *Held.*—Sec 3 of the Court Fees Regulation is peremptory in rejecting all pleadings on which the prescribed fee has not been paid. No paper or pleadings requiring payment of Court fee under the law can be said to be valid or fit to be acted upon, until the proper fee is paid. If the Court fee had to be paid in stamps, as in British India, such papers would have been engrossed on proper stamps, or adhesive stamps would have been put thereon, before the pleadings or other papers are presented in Court. The fact that payment of the Court fee is to be made in cash instead of in stamps does not absolve the parties from tendering and paying the Court fee along with the papers on which fees are due. Therefore, the appeal was not properly filed in time (F. B.).— **13 T. L. R.,** *198.*

Overruled.—28 T. L. R., 36.

Provided that, if, in a suit for arrears of maintenance, a *bona fide* question of right to receive maintenance is raised, the Court shall require the plaintiff to pay an additional fee according to the provisions of Clause ii of this Section.

For maintenance, annuities or other sums payable periodically.

ii. In suits to establish the right to maintenance, annuity or other sum payahle periodically—according to the value of the subject-matter, and such value shall be deemed to be ten times the amount claimed to be payable for one year.

Sec. 4 i and ii: The Proviso to Clause (i) was taken from the old Regulation I of 1062, and is not in the Indian Act.

Case Law.

1. The appellants, to establish their right to future maintenance and to recover arrears, paid institution fees on ten times the amount claimed for each year and also on the arrears sought to be recovered. The suit was dismissed on the ground that, as ordered, institution fees were not paid on the value of the Tarwad property from which the maintenance claimed, was to come. *Held.*—Under Clause (i) of Sec. 4, when the right of plaintiffs to maintenance is disputed, the suit must be valued under Clause (ii). The denial of right often means the denial of the relationship on which the claim is advanced. That the declaration of the right to maintenance may serve to help plaintiffs to get possession of the whole Tarwad property under some contingencies, is no reason for requiring them to pay fees on the value of such property. In matters of taxation, the Courts are bound to follow the law literally. The suit was properly valued under Clauses (i) and (ii).—

14 T. L. R., *48.*

Fol.—19 T. L. R., 112.

Ref.—34 T. L. R., 116.

2. In a suit for past and future maintenance by the junior members of a Marumakkatayam Tarwad, it was contended that he was not a member of the Tarwad, and the District Judge, therefore, opined that the plaintiffs should pay fees on the value of the Tarwad properties. *Held.*—. The view of the District Judge was wrong In such cases Court fees should be received only under Clause (ii) of Sec. 4, *i. e.*, for the past and future maintenance.

That in suits of the following descriptions relating to the Malabar Tarwad properties-suit for deposition of a Karanavan from his office and the appointment of the plaintiff as the Karanavan; suit for the removal of one of the defendants from his Karanavanship and management of the Tarwad properties and the other defendant from his position as senior Anandravan and for the recovery of certain Tarwad properties; suit for redemption of a mortgage brought by the plaintiff as Karanavan of a particular Tarwad, but which position was disputed; suit to set aside a compromise relating to defendant's Tarwad to which plaintiffs who claimed to be members thereof were not parties—the real object of the suit should be looked into, and that, if it is found that it is an indirect attempt to establish a claim to the Tarwad, the fee due on such a claim should be levied, may be accepted in general terms as a correct proposition. But that proposition and the *ratio dicedendi* of the decisions which have laid down the same are not applicable to suits for maintenance in regard to which the Court Fees Regulation expressly fixes a value when the right to maintenance is disputed or sought to be established. There is no such qualifying provision in the Regulation in respect of suits for removal of a Karanavan or of a similar nature relating to Tarwad properties. A dispute in regard to the right to

iii. In suits for movable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint.

For other movable property having a market-value.

iv. In suits—

(a) for movable property, where the subject-matter has no market-value, as for instance in the case of documents relating to title,

For movable property of no market-value.

(b) to obtain an injuction,

For an injunction.

(c) for accounts, and

For settlement of accounts.

---

maintenance will in some cases involve a dispute as to relationship, and such dispute as to relationship must be considered as coming within the proviso and not as outside of it. It will be unnecessary and outside the proper scope in a suit like the present which is by the junior members of a Tarwad for maintenance, to consider what the real object of the suit is. The plaintiffs' coming into possession of the whole of the Tarwad properties which is urged as a reason for levying fees on their value is only a somewhat remote contingency, the plaintiffs being the juniors of the defendants.—

19 T. L. R., *112*.

Ref.—21 T. L. R., 1.
34 T. L. R., 116.

Doubted.—4 T. L. J., 153.

Sec. 4 iv:—This repeats the provisions in Regulation I of 1062. In the Indian Act, there are two more Sub-Clauses, namely:—"to enforce the right to share in any property on the ground that it is joint family property" and "to obtain a declaratory decree or where consequential relief is prayed." In the Regulation, the latter Sub-clause appears as Sub-clause (*d*) in Clause (v), with a material difference. See *Infra*.

Sec. 4 iv (c): Case Law.

1. **The suit** was for redemption of a mortgage on payment of 1,117 Fs. (principal amount) and 3,000 Fs. for compensation for improvements (three-fourths of the value) *minus* 695 and odd fanams received by the mortgagees as compensation from Government for a portion of the mortgaged property acquired under the Land Acquisition Regulation. Court fee was paid by plaintiff on the said two amounts. The mortgagees resisted the suit on the ground that the mortgage under which they were in enjoyment was irredeemable and further contended that the value of improvements due to them was over 47,000 fanams. The Munsiff held that the mortgage was redeemable and decreed redemption on payment of 421 and odd fanams being the balance of the mortgage amount after deducting the amount received from Government and also of the value of improvements amounting to 31,357¼ fanams. The mortgagees in their appeal contended that the lower Court ought to have held that plaintiff was not entitled to claim possession of the plaint properties and the Court-fee paid was on the 421 odd fanams, the mortgage amount found due to the mortgagees.

Held.—(1) As the mortgagees denied the plaintiff's (Melottidar's) right of redemption and the relief asked for in appeal being virtually a declaration of their title as owners of the plaint property as against the mortgagor, the fee payable in appeal is on the market-value of the property.

(2) In a suit for redemption of the whole or part of a mortgaged property, the Court fee payable is on the principal amount secured by the mortgage instrument, as the whole principal amount is to be deemed a charge on each and every portion of the mortgaged property. In such suits, (*a*) whether the property sought to be recovered is of much more value or much less value than the mortgage amount principal, (*b*) whether any portion of the principal amount or interest has been paid up or whether interest has accrued or not, (*c*) whether the amount payable has increased since the date of mortgage by interest having accrued due since that date or whether the mortgage amount has been diminished by interest, (*d*) whether the mortgaged property has been increased or diminished in extent or value by intermediate dealings, (*e*) whether improvements have been effected or not, (*f*) whether waste has been committed or not, were not to be taken into account in determining the valuation of the suit for assessment of the proper Court fee leviable. The uniform Court fees should be the Court fees on the principal mortgage money.

(3) In such suits, if besides the relief as to recovery of the mortgaged property and the additional reliefs to be given to the mortgagor or mortgagee as incident *to the mortgage contract* (some of those reliefs and incidents being described in Sec. 92 of the transfer of Property Act), other distinct reliefs not connected with the mortgage contract are prayed for, such reliefs should be separately valued and Court fees paid on such value.

(4) A redemption suit, being one for taking accounts between the mortgagor and mortgagee, falls under Sec. 8 and Sec. 4, Clause iv (*c*), of the Court Fees Regulation. The claim by the defendant (mortgagee) of any sum by value of improvements, should be treated as a plaint in a cross suit and Court fee should be levied from the defendant (mortgagee) on the amount so claimed by him as if it were such a plaint.

(5) When the original Court has determined the value of improvements and proceeds to give decree, if such amount exceeds what the defendant (mortgagee) claimed, he should be required to pay the balance of Court fees due and the final decree should be drawn up afterwards.

The present practice seems to be to ask the plaintiff (who had unnecessarily paid Court fees on the small sum mentioned by him in his plaint as value of improvements) to pay additional Court fees on the excess found due for improvements to defendant, and if he does not so pay, to order the suit to be dismissed. This practice is alleged to be founded on Sec. 8, old (= Sec. 9), but that Section relates to cases where plaintiff is given *a greater relief* than he asked for, and then he is bound to pay Court fees on the difference. In a case where plaintiff *is made liable for a large sum* for improvements than he admitted, there is no principle in asking him to pay additional Court fees. It is the defendant who is in the position of a plaintiff in a cross suit so far as the improvements are concerned that ought to be made to pay in the first instance. The present practice of requiring additional Court fees from plaintiff after judgment in mortgage redemption suits should be stopped and will, in most cases, become extinct, *if defendant were directed to pay Court fees on his written statement itself for the value of improvements claimed by him.*

(6) If the amount of such claims for improvements,&c., exceeds the pecuniary jurisdiction of the Court the written statement on which fee has been levied as well as the plaint should be returned for presentation to the proper Court having jurisdiction over the combined subject-matter as a whole. Of course, if the Court in its decree orders plaintiff to pay defendant costs including Court fees, the result would be *ultimately* the same whether plaintiff pays it in the first instance or whether defendant pays it and recovers it from plaintiff afterwards. The observation in 19 T. L. R., 223 that the

(d) for a right to some benefit (not herein otherwise provided for) to arise out of land—

For easements.

according to the amount at which the relief sought is valued.

In all such suits, the plaintiff shall state the amount at which he values the relief sought.

v. In suits—

(a) for the recovery of land, house or garden, which are not based on a contract,

For lands and gardens.

'additional Court fee' is payable under Sec. 8 (=Sec. 9) is *obiter*; and under Sec. 8, plaintiff in redemption could not be asked to pay Court fees on the value of improvements due to defendant.— **23 T. L. R.**, *123.*

Overruled.—25 T. L. R., 1.
Dist.—25 T. L. R., 255.
Ref.—32 T. L. R., 245.

2. A suit for accounts, is governed, in the matter of its liability to pay Court fees, by Sec. 4, Clause (iv) (c), and not by Sec. 4 Clause (i).— **32 T. L. R.**, *97*

Fol.—34 T. L. R., 245.

Sec. 4 iv (d): Case Law.

In a suit by plaintiffs as Uralers of certain Devaswoms to enforce *inter se* their right of management in pursuance to Rules alleged to have been framed in 1043 by the Sirkar, the 1st defendant, the Sirkar who was admittedly in exclusive management from 1075, contended that the suit was not properly valued. *Held.*—Possession of the office of a trustee is not distinguishable from the possession of the properties attached to the trust. Where the possession of the defendant is not the possession of the plaintiff, as where he claims to hold as an independent trustee which implies ownership subject to an obligation annexed to it, the suit for the office is really one for the trust property; and in such a case, it makes no difference that the defendant's possession as trustee has been unlawfully obtained. In such cases, as the plaintiff impugns the ownership *prima facie* held by the defendant, whether rightfully or wrongfully, a suit for removing defendant and appointing plaintiff to the office, which will virtually be placing him in possession of the trust properties must be treated, for purposes of Court Fees, in the absence of a special provision of law, as a suit falling under Sec. 4 of the Regulation and must therefore be valued according to the value of the trust property.— **20 T. L. R.**, *37.*

Ref.—21 T. L. R., 1.
34 T. L. R., 116.

Sec. 4 v: (1) In Sub-clauses (a) and (c), the word 'house' is an addition to Regulation I of 1062.

(2) In Clause (b), the old Regulation has simply 'to eject tenants or kanom holders,' without the modifying clause. See. Clause viii, (c) (2).

(3) The Indian Act does not contain the words 'which are not based on a contract' found in Sub-clause (a), nor does it contain Sub-clause (b). For the computation of the fees payable, the Indian Act has simply—'according to the market-value' without any addition of the words found in the Regulation providing for cases of dispute. That Act makes separate detailed provisions in respect of land apart from houses and gardens.

(4) For Sub-Clause (d), See note under Clause iv *Supra.*

Sec. 4 v (a): Case Law.

1. The value of a suit to set aside a Court sale is not the amount of the sale proceeds,

To eject tenants.

(*b*) to eject kanom holders or tenants who have a right to permanent occupancy, or are enjoying under a perpetual lease or under a lease for a term exceeding twenty-five years,

To enforce a right of pre-emption.

(*c*) to enforce a right of pre-emption in respect of land, house or garden, or

To obtain a declaratory decree.

(*d*) to obtain a declaratory decree or order, whether or not consequential relief is prayed for—

according to the market-value of the subject-matter and such value, in cases of dispute, shall be taken to be ten times the annual gross profits of such land or garden where it is capable of yielding annual profits minus the assessment paid, if any, to the Sirkar.

---

but is the market-value of the property sold, calculated according to the mode prescribed by the Court Fees or the Civil Courts Regulation. Suits of this kind fall either under Sub-Clause (*a*) or Sub-Clause (*d*) of Clause v, as the case may be.

8 T. L. R., *166*.

Dist.—22 T. L. R., 86.

2. In a suit for ejectment where there was also a prayer for compelling the defendants to remove a house put up by him, Court fees need be paid only on the value of the house-site and not on the value of the house to be removed. The plaintiff's obtaining of the relief actually prayed for (removal of the house) is utterly inconsistent with his being obliged to pay compensation for it and to take possession of it himself, and it can by no means be held that the relief for removal of a house by defendant is logically dependent on an implied prayer granting possession of the house to plaintiff on payment of compensation. No plaintiff could be charged with having an implied ulterior object inconsistent with the relief he actually wants and mulcted in Court fees on the basis of that inconsistent object. The relief for the removal of a house is clearly not chargeable with Court-fees on the value of the house.— **24 T. L. R.**, *37*.

3. A suit for partition and recovery of the plaintiff's share in the schedule property falls within Clause (*a*), and therefore, Court fee has to be paid on the market value of the plaintiff's share in the said properties.

Under Sec. 2 of the Suits Valuation Regulation, the value for purposes of jurisdiction and for payment of Court fees is the same in a suit falling under Sec. 4, Sub-Sec. v of the Court Fees Regulation.

When the value of the plaintiff's share in the plaint schedule properties is below two thousand Sirkar rupees, the suit falls within the jurisdiction of a Munsiff (F. B.).—
42 T. L. R., *478* (**16 T. L. J.**, *410*).

4. See under Sec. 4 viii (*c*).—
30 T. L. R., *222*.

" " Other Cases, *Infra*.—
40 T. L. R., *405*.

Sec. 4 v (*d*): In Regn. I of 1062, the wording is:—"to obtain a declaratory decree *in respect of land or garden*, whether or not consequential relief is prayed for". In 34 T. L. R., 142, it is pointed out that "the later rule is more extensive than the earlier one inasmuch as it covers all classes of suits for declaratory decrees and not merely those *for declarations in respect of land or garden*,

though the reference to 'such land or garden' in para 2 of the provision is somewhat puzzling."

Case Law.

1. *Semble.* Institution fee must be paid on the market-value of the decree, and until the contrary is shown, the amount of the decree will have to be taken as the value of the decree.— **10 T. L. R.,** *30.*

2. (1) A suit for a declaration of plaintiff's right to hold and manage property, which jointly belongs to himself and to his nephews, should be valued according to the market-value of the subject-matter. The subject-matter of the litigation was the property which would come under the plaintiff's control and management if he succeeded in the litigation. There was no analogy between the suit and the suit brought by a Malabar Tarwad for the sole purpose of removing a Karanavan from management.

(2) Where a Judge has judicially decided the question of valuation of a suit, it is not competent for a successor in the hearing of the case to reopen the question. But where the question has been reopened and the first order set aside, the irregularity cannot be treated as one sufficient to set aside the decree that followed, unless the second order as to valuation is itself wrong. The proviso to Sec. 9 of the (old) Regulation (=Sec. 10) requires the High Court to test the soundness of the decisions of the lower Courts on the question of valuation.— **12 T. L. R.,** *44.*

Fol.—20 T. L. R., 37.
Appr.—21 T. L. R., 1.

3. The object of a suit presented before a District Munsiff's Court was to get a declaration that the plaintiff was member of a particular Tarwad and, as such, had a claim to its properties. The Munsiff filed the suit, accepting the valuation fixed by the plaintiff at 100 Fs. under Article ii (*a*) of the Second Schedule of the Court Fees Regulation. The error was not rectified even by the District Judge. *Held.*—The plaintiff's object, as seen from the plaint, was to get a declaration that he was member of the Tarwad, and as such had a claim to its properties. Such suit, whether accompanied with a prayer for consequential relief or not, must be valued under Clause v (*d*) of Sec. 4 of the Regulation, *i. e.*, according to the value of the properties in reference to which the declaration was sought, and according to the Suits Valuation Regulation, the jurisdiction of the Court is fixed by reference to the Court fees. As the value of such properties in the suit exceeded Rs. 500, the Munsiff had no jurisdiction to try the case. —**15 T. L. R.,** *131.*

Fol.—18 T. L. R., 252.
20 T. L. R., 37.
21 T. L. R., 1.
1 T. L. J., 203.
Dist.—19 T. L. R., 112.
Ref.—34 T. L. R., 116.

4. In a suit for recovery of 12,490¾ Fs. being the value of paddy crops wrongfully harvested and carried away from plaintiff's land by defendant, where the latter denied plaintiff's right to the land and contended that, as plaintiff's real object was to establish his title to the land, he should pay additional Court fees on the market-value of the land, the Zilla Judge levied the additional fee but without the plaint being amended, and decreed the suit. On 2nd defendant's appeal, plaintiff in his turn urged a similar plea contending that as the appeal raised the question of title to the land, Court fee should be paid on its market-value. *Held.*—The point for consideration is :—'Can a plaintiff whose title to a land is in dispute frame his suit praying only for a minor relief based on his title, thus enabling him to pay Court fees on the value of the minor relief alone and evade payment of Court fees on the relief as to declaration, though he knew or ought to have known that his title would be denied by the defendant and that an adjudication as to his title would be necessary in the suit and though the Court finds that the establishment of plain-

tiff's title is the principal object or one of the principal objects of the suit'?

Such a question could not arise under the British Indian Act which fixes the Court fees only on the value of the consequential relief. Here, the uniform course of decisions has been that the real object of the suit can and ought to be ascertained by the Court, and if a declaration of title to property was one of the main objects of the suit, the plaintiff should be asked to pay Court fees on the value of that property.

The real object might have to be ascertained from the evidence also and after taking into account the admissions of the defendant. The objects and motives of a plaintiff in bringing a suit are mental states which cannot be directly seen and which could only be inferred from his conduct and statements both prior and subsequent to the suit and from the conduct and statements of his opponents as affecting the plaintiff's mind and intentions. While, therefore, the reliefs claimed in the plaint should *prima facie* be taken to be the only objects aimed at by the plaintiff, the Courts can go into the contentions of the other side, the history of the dispute, the evidence and the admissions to ascertain the real objects or additional objects of the plaintiff, and treat the suit as impliedly praying for the decreeing of those reliefs also. It need hardly be said that, unless there is no reasonable doubt that the obtaining of these additional reliefs by appropriate findings formed the plaintiff's real object, Courts should not charge a plaintiff with disingenuously trying to evade the object of the fiscal laws and should not employ their ingenuity and astuteness to increase the stamp revenue.

The provisions of the Regulation which (unlike the British Indian Act) provides for *ad valorem* Court fees (and not merely fixed fees) being levied on the declaratory relief and for levy of fees on consequential relief also if consequential relief is prayed for, evidently intended to prevent plaintiffs from failing to pay the reasonable fees due to the Sirkar by claiming only minor concrete reliefs, and the Court Fees Regulation should not be viewed as a merely fiscal Regulation intended as a tax on Justice and which parties are entitled to evade by even trickish ingenuity, but as a Regulation intended also to check vexatious and frivolous litigation by fixing a reasonable rate of fees proportionate to the real value of the plaintiff's claim having in view his real object in bringing the suit.

The pleadings, the appeal memo and the judgment might be looked into to ascertain the object of a plaint or the real meaning of a decree.

Though the appeal is against the decree alone, the relief claimed in the appeal memo involved a declaration of defendant's title, just as the relief claimed in the plaint involved a declaration of plaintiff's title.

When findings as to title are necessary, and form the indispensable basis of the grant of consequential relief, the title also forms the subject-matter of the suit, and Court Fee should be paid not only on the minor relief but on the value of the property whose title has to be adjudicated upon.

Where a Court compels a plaintiff to pay additional Court fee after ascertaining the real object and the additional reliefs implied in a plaint, the Court should at once have the plaint and the reliefs amended appropriately (F. B.).— 21 T. L. R., 1.

Ref.—22 T. L. R., 270
24 T. L. R., 37.
4 T. L. J., 153.
Fol—1 T. L. J., 203.
26 T. L. R., 188.
Ex.—K. P., [illegible]0.
Overruled.—34 T. L. R., 116.

5. Plaintiff, a Nambudiri Jenmi, purchased from three other Nambudiri Jenmis, plaint lands which were up to that tax free, as the Thanathu of Jenmis. The defendant Sirkar called upon the plaintiff to pay ¼ of the Pattom as tax on the ground that, as the properties had passed from the family of

the original Jenmis, defendant was entitled to charge the tax. Plaintiff paid the tax under protest and sued to recover the amount so paid. The question arose as to the amount of the institution fees payable. *Held.*—The suit was really for a declaration that the properties were not chargeable with the tax which the Sirkar had imposed. Though the plaintiff sued for recovery of the amount paid, he had, in the first instance, to obtain a declaration that that amount was not payable. No inflexible rule could be laid down in such cases, and every case will have to be decided on the merits and what took place already. In the case, the plaintiff knew even before he brought the suit that his right to enjoy tax free was denied and that he would be confronted with the Huzur order against him. He could not therefore be allowed to sue for the minor remedy alone and thereby incidentally attempt to set aside the order against him. Hence the question whether the Sirkar was entitled to impose ½ of the Pattom as revenue in the case of transfers of Thanathu Brahmaswom properties to Brahmaswoms was the real and only question to be decided and was not one that arose incidentally. The plaintiff should pay institution fees on ten times the assessment imposed.—

3 S. D., *256.*

6. Plaintiffs (Hindus) sued for cancellation of a Huzur order granting permission to defendants (Christians) to erect a Church on a particular plot of land, and for removal of a school building standing thereon which was being used as a church, and paid Court fee on 2000 fanams for the first relief under Schedule II, Clause 1 (*b*)—(old Regn.), and on 230 fanams the value put upon the building. After the institution of the suit, defendants began to construct a new building on the plaint site to be used as a Church. It was contended on behalf of the defendants that the plaintiffs should pay Court fee on the value of the building whose construction was begun and on the value of the land in respect of which they sought a declaration of right. The lower Court directed the plaintiff to pay Court fees on the value of the new building also. *Held.*—The valuation put upon the plaint, as framed, was correct and proper Court fee had been paid thereon. As the new building was not in existence on the date of the plaint, and the plaint did not contain any prayer with reference to it, no Court fee need be paid on the value of such building. As plaintiffs did not claim any declaration in respect of the land either in regard to its title or to its possession, but only that it should not be used in a particular way, they were not bound to pay Court fee on the value of the land under Clause v (*d*) of Sec. 4.—

28 T. L. R, *238* (3 T. L. J., *198*).

7. A suit was instituted by two members of the Mar Thoma Syrian Christian community against three trustees of the old Protestant Church at Trivandrum for an injunction to compel them to keep open the Church for worship when plaintiffs required, and also to restrain them from molesting plaintiffs during worship. The plaintiffs valued for stamps under Sub-sec. iv (*b*) of Sec. 4 and placed their own value, *viz.*, 100 Fs. The Court of first instance levied an additional fee of 100 Fs., as the case involved an adjudication on the question whether plaintiffs were members of the congregation or not, and as the claim for declaration was incapable of valuation. *Held* (in special appeal).—As the real object of the suit was to secure the right of the community to which plaintiffs belonged as beneficiaries under the trust deed (relied upon by them) to the use and occupation of the Church, Court fee should be paid on the value of such real object under Clause v (*d*) of Sec. 4. The Regulation expressly provides an *ad valorem* scale of fees for suits for a declaration relating to lands or garden. Such a provision does not find a place in the Indian Act. The course of reported decisions here supports the view that, in cases where the real object of the suit is something different from the relief claimed in the plaint, the suit should be valued for stamps and jurisdiction according to the value of such real object.— 1 T. L. J., *203.*

Ref.—4 T. L. J., 153.

8. *Quere.*—In suits for maintenance by the junior members of a Nair Tarwad, where the real object of the suit is found to be the establishment of plaintiffs' membership in the Tarwad, should not Court fee on the market-value of Tarwad properties be levied?

Having regard to the observations in 1 T. L. J., 203 and 21 T. L. R., 1, it would appear that the Courts are competent, in cases where the plaintiff hiding his real object with a view to defraud the Sirkar of its stamp revenue, claims ostensibly only a minor relief and values his suit accordingly, to discover the real object and compel plaintiff to pay the Court fees really due, and this without regard to the question whether the class of suits under which the plaintiff has attempted to bring his, is one specially provided for by the Court Fees Regulation or not. As regards the question as to whether there is anything in the character of the class of suits to establish a right to maintenance or in any of the provisions of the Regulation which would preclude the application of the principle laid down in 21 T. L. R., 1, it is clear that, reading Clauses i and ii of Sec. 4, a suit for arrears of maintenance framed so as to fall under Clause i is, for practical purposes, converted into a suit falling under Clause ii, if the Court finds that a *bona fide* question of right to receive maintenance is raised. Having regard to the policy of the Regulation and the provisions in it for the levy of *ad valorem* fees on mere declaratory reliefs, it appears to be a matter open for argument that the provision contained in Clause ii was intended to be applied only to those suits which have been *bona fide* brought for the purpose mentioned therein and not to suits which, though in form suits to establish a right to maintenance, are really not such suits at all, but suits launched for the purpose of getting a declaration of plaintiff's right to the properties in the possession of the defendants or of the membership or status in the Tarwad or family of the defendants. That the junior member (plaintiff) coming into actual possession of the whole of the Tarwad properties may be considered to be a remote contingency, does not affect the question of principle. The right of the junior members of the Malabar Tarwad to object to any improper administration by the Karanavan and to see that the properties are duly conserved for use of the Tarwad is a comprehensive one and gives every junior member of a Tarwad or any person declared to be a junior member of a Tarwad a right to interfere in the administration of the Tarwad properties and question the acts of the Karanavan in regard to them. On these considerations, there was force in the contention that the principle underlying the decision in 19 T. L. R., 112 was not quite in keeping with the *ratio decidendi* of the decisions 21 T. L. R., 1 and 1 T. L. J, 203.— **4 T. L. J.,** *153.*

Ref.—34 T. L. R., 116.

9. Suits for cancellation of lease and for recovery of property fall under Sec. 4, Clause v (*d*) of the Regulation, which requires Court fee to be calculated on the market-value of the property sought to be recovered and not the lease-hold interest therein.— **34 T. L. R.,** *176.*

10. Plaintiff was the junior and the 1st defendant the senior Swamiar of the Munchira Matom. The defendant had executed an Udampady by which he had renounced in plaintiff's favour all rights of possession and management in respect of the temporalities of the Matom. The 1st defendant having subsequently obstructed the plaintiff's management, the present suit was brought for (*a*) declaration that the 1st defendant had, after the date of the said Udampady, no right of management of the Mutt properties save to the extent expressly reserved therein and that the Udampady was not liable to be cancelled, and (*b*) perpetual injunction restraining the 1st defendant from interfering, in contravention of the terms of the Udampady, with plaintiff's possession and management of the Mutt properties.

The suit was, as regards the 1st relief, valued under Clause VIII (vii) of the Second Schedule to the Court Fees Regulation and a Court fee of Rs. 10 was paid. In respect of the second relief which was valued at Rs. 2000, Court fee was purported to be calculated in accordance with Sec. 4, Clause iv (*b*) of the Regulation; but a fee of Rs. 10 only was paid. *Held.*—(1) The valuation of the relief (*a*) was correct, as a suit for a declaration of the respective rights of the parties to an Udampady is not, for the purpose of the payment of Court fees, a suit to obtain a declaration in respect of land or garden within Sec. 4, Clause v (*d*), of the Regulation, but is one where the subject-matter is incapable of valuation within Schedule II, Clause VIII (vii). The subject-matter is the jural relation constituted by the Udampadi, which relation may or may not have reference to land or garden. The exact definition of the said relation may have the effect of fixing the plaintiff's rights over the Mutt properties; but *that is only a consequence of the declaration and not its substance.*

(2) The relief (*b*) must be separately valued and *ad valorem* fee on Rs. 2000 calculated and paid.— 35 T. L. R., *232.*

11. The plaint in a suit for declaration in respect of a land with building besides (50 odd) cocoanut trees in it and measuring 1 acre and 22 cents was valued by the plaintiff under Sec. 4, v (*d*), of the Regulation and institution fee was paid on Rs. 1000 which was fixed by the plaintiff as the market-value of the property. On the contention of the defendant that the suit had been undervalued, the primary Court, after allowing 62 cents as standing ground for the trees and building, separately valued the remaining space (60 cents) at Rs. 50 per cent, as in its opinion the whole of the garden was not planted. As the value thus taken came to Rs. 3000, the plaint was returned for presentation to the proper Court. On appeal the District Judge agreed with the view of the primary Court. The value of the building and the trees determined under Sub-clause v (*d*), did not exceed Rs. 1000. *Held* (setting aside the order of the primary Court).—Having regard to the provisions of Sec. 2 of the Suits Valuation Regulation read with the Court Fees Regulation, Sec. 4 v (*d*), the market-value of the garden for assessing Court fees should be determined in the manner laid down in Sec. 4, v (*d*), of the Court Fees Regulation. The value of the property fixed by the plaint was right.— 35 T. L. R., *236.*

12. A suit to set aside a gift deed is, for the purpose of payment of Court fees, a suit for a declaratory decree and falls within Sec. 4, v (*d*), of the Regulation and is not a suit where it is not possible to estimate at a money value the subject-matter in dispute within Schedule II, Article VIII (vii), of the Regulation. In valuing the suit under Sec. 4 v (*d*), institution fee should be paid on the actual market-value of the property comprised in the gift deed and not merely on the value of the property given in the gift deed. It is the duty of the Court to arrive at its own conclusion as to the amount at which the market-value has to be fixed for the purpose of calculating the Court fee.

The question for decision was whether, in praying for cancellation of the gift deed, the plaintiffs were really suing for a declaratory decree with respect to the plaint properties. There was no doubt that, if the gift deed remained in force, the donees would be able to keep the plaintiffs out of the properties comprised therein and would also be able to alienate or otherwise deal with the properties as they chose. Thus, the declaration of the invalidity of the gift deed would afford the plaintiffs relief of a very substantial nature, because such declaration would directly involve the further declaration that the plaint properties were not at the absolute disposal of the donees. In British India, suits of this nature have been treated not merely as suits praying for a declaratory decree, but also as one involving

vi. In suits for recovery of trees, apart from the soil on which they stand, or of houses, not based on a contract, or to enforce a right of pre-emption in respect of such property—according to the market-value.

To enforce a right of pre-emption in respect of trees and houses.

vii. In suits to set aside an attachment (Civil, Criminal or Revenue)—according to the amount for which the attachment was made :

To set aside an attachment.

Provided that, where such amount exceeds the market-value of the property, calculated under the preceding provisions, the amount of fee shall be computed as if the suit was for the recovery of such property.

---

a prayer for consequential relief as well. Here, it is immaterial whether or not consequential relief is prayed for. Sub-clause v (*d*), comes into operation if it is held that the suit is one brought for obtaining a declaratory decree.— **35 T. L. R.,** *239.*

13. A person interested in a portion of the equity of redemption sued another who was the mortgagee and also the owner of the remaining portion of the equity of redemption, to recover that portion of the property on payment of a proportionate share of the mortgage amount. *Held.*—The suit fell under Sec. 4, Clause v, and not Sec. 6 of the Regulation. Court fee need be paid only on the market-value of the property and not also on the mortgage amount.

'Distinct subject' in Sec. 6 of the Regulation means distinct causes of action.

'Cause of action' means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court.

In the case, the facts which the plaintiffs had to prove in order to be entitled to either of the reliefs claimed were one and the same, *viz.*, the existence of a prior encumbrance, the purchase by the defendant of a share in the equity of redemption and the purchase by the first plaintiff of the remaining share in the equity of redemption. It could not therefore be said that the suit embraced two distinct subjects.—

10 T. L. J., *134.*

Overruled.—37 T. L. R., 313.

14. See under Sec. 4 v (*a*) *Supra.*—

8 T. L. R., *166.*

" " Sch. II, Art. VIII (vii).—

34 T. L. R., *91* (**9 T. L. J.,** *301*).

" " Other Cases, *Infra.*—

40 T. L. R., *205.*

Sec. 4 vii: (1) In the Indian Act, this Clause runs thus:—"(viii). In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached: Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest."

(2) Again, in that Act, there is another Clause which *is as follows*:—"(ix). In suits against a mortgagee for the recovery of the property mortgaged,

and in suits by a mortgagee to foreclose the mortgage,

or where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principal money expressed to be secured by the instrument of mortgage."

viii. In suits for specific performance of contract, or for recovery of immovable property including trees, when such suits are based on a contract,—

For specific performance.

(a) in the case of a contract of sale—according to the amount of consideration,

---

Case Law.

1. Clause vii of Sec. 4 provides that the amount for which the attachment is made is the value of the suit. It is true that that is the value for the purposes of Court fees, but there is no express provision of law anywhere that a different value should be taken for the purposes of jurisdiction. The Suits Valuation Regulation, Sec. 2, accepts the Court fee valuation as the one for the purpose of jurisdiction also. The suit was no doubt filed before that Regulation came into force, though decided only after that Regulation. However, the practice of Courts had been, even before that Regulation came into force, to take the amount of the decree or the value of the property, whichever was smaller, as the value of the suit for both purposes and the Regulation only affirmed that practice.— **12 T. L. R.,** *188.*

2. In a suit by a decree-holder to set aside the order allowing a claim preferred under Sec. 275 of the C. P. C., by the mortgagee of the judgment-debtors, institution fee was paid only on the amount of the decree, and it was contended, on behalf of the defendant-mortgagee, that institution fee ought to be paid on the amount of the mortgage deed upheld by the claim order. *Held.*—Clause vii provides that, in suits to set aside attachments, the Court fee should be calculated on the decree amount, generally, subject to a maximum of the property value, where the decree amount exceeds the value of the property. By analogy, the same scale of fees should apply where the creditor sues to enforce the attachment, as his object is only to make the property liable to the extent of the decree debt. The real object of the suit in the case was to realise the decree-debt from the plaint property, and nothing more. The accident that the judgment-debtor and the claimant were both parties, ought not to be allowed to influence the decision of the question of Court fees in the case. It was not denied that, if the claim in the case was under an alleged sale, the plaintiff would not be required to pay fees on the value of the property. Why should the plaintiff pay on a higher valuation, simply because the defendant-claimant pleaded a mortgage. The plaintiff need not pay institution fee on the amount of the mortgage, but only on the amount of the decree which he sought to enforce as against the property. **2 T. L. J.,** *319.*

Sec. 4 viii: (1) In Sub-clause (*b*), the words 'or agreed to by the contract' are an addition to the Clause in Regn. I of 1062. In the Indian Act, the Sub-clause is:—"(*b*) of a contract of mortgage—according to the amount agreed to be secured."

(2) In Sub-clause (*c*) of Regn. I of 1062, there was also the following provision:—"(3) for a term exceeding 25 years, or where the lease is a perpetual lease—according to Rule V." This has been removed to Clause V, see *Supra.* Sub-clause (*c*) in the Indian Act is as follows:—"(*c*) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term." There is also in that Act another Sub-clause:—"(*d*) of an award—according to the amount or value of the property in dispute."

Sec. 4 viii (a): Case Law.

Plaintiff was in possession of the plaint property under an Otti and Kuzhikanom deed for Fs. 12,000. Defendants 1 to 3, the proprietors of the property, entered into an agreement with plaintiff to the effect that the property was to be sold to plaintiff for

(b) in the case of mortgage—according to the principal money expressed to be secured by the instrument of mortgage or agreed to by the contract,

---

Fs. 3,500, of which Fs. 3,000 was to be advanced in ready cash at once and the balance to be paid when defendants 1 to 3 would be ready to execute the sale deed. In pursuance of this agreement, plaintiff advanced Fs. 3,000. Subsequently defendants 1 to 3 sold away the property to defendants 4 and 5 for Rs. 2000. Plaintiff sued for a decree directing defendants 1 to 3 to execute a sale deed to him on receipt of the balance of consideration, *viz.*, Fs. 500. He valued the suit at Fs. 15,500 being the market-value of the property and instituted it in the District Court. The District Judge holding that the subject-matter of the suit was the equity of redemption which was worth only Rs. 500 returned the plaint to be presented to the proper Court. *Held.*—The Court fee in a suit for specific performance of a contract of sale is on the amount of consideration which, in the case, was Fs. 15,500. Under Sec. 2 of the Suits Valuation Regulation, in suits falling under Sec. 4, Clause viii (b) of the old [=Clause viii (a)] Court Fees Regulation, the jurisdiction value is the same as the Court fee valuation. The suit, therefore, was rightly instituted in the District Court. The Judge was therefore wrong in having returned the plaint for presentation to the proper Court.—

26 T. L. R., *50* (1 T. L. J., *388*).

Sec. 4 viii (b): **Case Law.**

1. On a suit to redeem a mortgage of a land, where there is no prayer for possession of buildings erected thereon by the mortgagee, the plaintiff should not at the outset be required to pay institution fee on the value of the buildings also. In the case, the plaintiff claimed no benefit from them in his plaint, nor did he ask the Court to ascertain their value. He claimed the benefit of other improvements and had paid institution fees on them. It is for the Court to decide whether the buildings are an improvement and whether defendant is entitled to receive their value if defendant insists on being paid for them. This can only be determined as an issue on the merits. The value of the claim as stated in the plaint, expressly excluded the buildings, and as a mortgagor suing to redeem is not bound to pay the mortgagee the value of any building he may have thought fit to erect on the property, but only for such as have in the Court's opinion improved the property and are reasonable structures, the plaintiff could not be called upon to pay for what he does not require.— 11 T. L. R., *107*.

2. The permission given in a mortgage deed to build a house does not warrant the erection of costly buildings quite beyond the means of the mortgagor to purchase the same. After the expiry of the term, the property is redeemable at any time. No honest mortgagee would venture to incur a heavy expenditure on buildings whose erection may be stopped at any moment by redemption. As the plaintiffs, in the case, never claimed the buildings put up by the mortgagee, they were not bound to pay Court fees on their value.—14 T. L. R., *93*.

Fol.—19 T. L. R., 45.
Ref.—24 T. L. R., 37.
Dist.—24 T. L. R., 144.
K. P., 47.

3. The suit was for redemption of a mortgage, and the mortgage amount was within pecuniary jurisdiction of the Munsiff. When, however, the value of the improvements due to the mortgagee was subsequently ascertained, that together with the mortgage-debt amounted to a sum which exceeded his jurisdiction as fixed by Regn. I of 1057. In special appeal, it was contended that the trial of the case in the Court of first instance was wholly without jurisdiction. *Held* (by a Full Bench).—In suits on mortgage when

there are improvements to be paid for, the jurisdiction of the Court of first instance is determined by the mortgage amount alone.

The question referred for authoritative decision by a Full Bench was whether in a suit for redemption of a mortgage, on payment of the value of improvements, the jurisdiction of the Court of first instance may be made to depend on the value of the latter as set forth in the plaint plus the mortgage amount, irrespectively of the value ultimately determined on the evidence in the case.

The point has to be decided with reference to Sec. 9 (=Sec. 12) of Regn. I of 1057 and Sec. 2 of Regn. III of 1068. Thus referred, the question is reduced to:—"What according to Regn. I of 1062, is the value of the subject-matter of a suit for redemption, on payment of the value of improvements? Is it only the mortgage amount, or the amount plus the value of improvements?

The subject-matter of a suit under the Civil Courts Regulation is really the property or amount in respect of which the plaintiff demands an adjudication, and that includes not only the mortgage amount, but also the trees of which the plaintiff seeks possession by redemption, in the same manner as the subject-matter in a suit for accounts is really not the sum which plaintiff may state approximately in his plaint, but the amount due on a consideration of the evidence in the case. But in the former as in the latter case, it would be practically impossible for a plaintiff to come into Court, with a statement of the exact amount that may be found due, and if such a statement were necessary in every case, there is a great risk of futile trials and great loss to litigants in suits for redemption.

To obviate this inconvenience, in the latter case, the Legislature has provided in Sec. 4, Clause iv of the Court Fees Regulation that the Court fee shall be the amount as fixed in the plaint, provision being made in Sec. 8 old(=Sec. 9) for realising the fees due on any extra amount that may be found due, prior to the execution of the decree. For the same reason, the Legislature has, in Sec. 4, Clause viii (a) [=(b)], fixed the principal amount secured in the mortgage deed as the provisional fee, the exact fee on improvements adjudged being realisable under Sec. 8. The wording of the Clause in question seems to point to the same conclusion. Even if the value of improvements could be thought to be included in the 'principal money secured' on the ground of usage, it can hardly be contended that such value is *expressed to be secured in the instrument* of mortgage. Therefore, the Court fees payable to, and the jurisdiction of, the Court of first instance must, according to the wording of the Act, be calculated on the mortgage amount alone.

The ruling in 19 T. L. R., 220, had reference to the question of jurisdiction of the *Appellate Court* in a case in which the value of improvements was fixed by the decree of the Court of first instance. In the face of a judicial determination of the value of improvements by the Court of first instance, it would be unreasonable to allow either party to proceed in appeal on the provisional valuation in the plaint. The Court of appeal is not bound by the decision of the Court below as to the stamp on the plaint. The reasons therefore for fixing the Court fees and judisdiction in appeal, as ruled in that case, do not apply and that authority is distinguishable (F. B.).— **19 T. L. R., *223*.**

Fol.—25 T. L. R., 1.

4. In a suit for redemption of a mortgage document for Rs. 1800, the mortgagor paid Court fees only on Rs. 1800 *minus* 8000 Fs. alleged to have been discharged by the sale of one of the mortgaged properties. *Held.*—Court fees should be paid on the principal money expressed to be secured by the instrument of mortgage, whether the amount is increased by interest afterwards or diminished by subsequent payments.— **22 T. L. R., *268*.**

Ref.— 23 T. L. R., 123.
Not fol.—27 T. L. R., 112.

(c) in the case of leases granted or agreed to be granted to those who have no right of permanent occupancy,

5. One S mortgaged the plaint and another property to one K for 34,000 Fs. K hypothecated some other property of his and his mortgage interest over the plaint property to the defendants who obtained a decree upon the hypothecation and purchased the hypotheca in Court auction and obtained possession. It was admitted that the defendants purchased the mortgage right which the judgment-debtor (K) had over the plaint property for 3500 Fanams. The plaintiff, purchaser of the equity of redemption of the plaint property from S, sued to redeem it from the defendants paying institution fees on 3500 Fanams. The mortgage right and the equity of redemption in the other property included in K's mortgage vested in the Sirkar by escheat. The Munsiff ordered plaintiff to pay Court fees on the whole mortgage amount secured over both the properties, *viz.*, 34,000 Fanams and returned the plaint for presentation to the proper Court. The Zilla Judge in appeal directed the plaintiff to pay Court fees on the market-value of the property, as he thought that the suit was in effect one for declaration of title and recovery of possession.

Held (reversing the orders of the lower Courts).—(1) The District Judge's view was wrong. The frame of the suit showed that it was one for redemption clearly falling within Sec. 4, Clause viii (a) [=(b)] of the Regulation.

(2) From the facts of the case it was seen that both the equity of redemption and the mortgage right over the two properties had become split up. As plaintiff could, consequently, institute a suit for redemption of a portion of the mortgaged property, the mortgage debt must be regarded as distributed over the whole of the properties, and as regards the portion of the property sued for, "the principal money expressed to be secured" must be taken to be the proportionate amount of the debt for which such portion of the property was liable.

In cases of taxation, everything is to receive a strict construction in favour of the subject, and statutes imposing burdens upon the subject must, in every case of doubt, be interpreted in favour of the subject.—

27 T. L. R., *118* **(2 T. L. J.,** *355***).**

6. The plaintiff sued for redemption of a mortgage on payment of the mortgage amount, namely 730 Fanams and the value of improvements. The District Munsiff decreed the suit awarding the defendant 11,354 Fanams as the value of improvements. The plaintiff appealed to the High Court objecting to the award of improvements to the extent of 8,135 Fanams and odd. It was contended that the appeal lay to the District Court notwithstanding that the amount objected to was more than 7,000 Fanams. *Held.*—In suits for redemption, the value of the subject-matter was only the principal amount expressed to be secured by the instrument of mortgage. Any additional amount payable as value of improvements as a condition for redemption, could not enhance the value of the subject-matter for purposes of jurisdiction, and therefore, the appeal lay to the District Court and not to the High Court (F. B.).—

32 T. L. R., *245* **(6 T. L. J.,** *407***).**

7. See under Section 4 iv (c).—

23 T. L. R., *123.*

,, Other cases, *Infra.*—

25 T. L. R., *1.*

Sec. 4 viii (c): Case Law.

1. Plaintiff sued to recover a leased property in the condition in which it had been leased. The contentions of the defendant were that (1) plaintiff ought to have been required to pay institution fees also on the value of a costly building put up by the defendant on the land, and (2) in equity he ought to be required to pay compensation for the same, as its removal would cause heavy loss to defendant without any gain to the plaintiff. *Held.*—Both the grounds of appeal were untenable.

(1) for a term not fixed—according to one year's rent, together with the premium or fine, if any,

(2) for a fixed term not exceeding twenty-five years—according to one-fifth of the aggregate amount of rent payable thereunder together with the premium or fine, if any.

ix. In the following suits between land-lord and tenant—

Between land-lord and tenant.

(*a*) to enhance the rent—according to ten times the additional rent claimed,

(*b*) (1) for renewal of kanom deeds or leases or their counterparts,

(2) for abatement of rent, where it is not coupled with any other relief, and

(3) for the recovery of the occupancy of land or garden from which a tenant has been illegally ejected by the land-lord—

according to the amount of the rent of the land payable for the year next before the date of presenting the plaint.

Where the defendant pleads set-off.

x. If, in any suit, the defendant pleads a set-off, he shall be required to file a written statement, containing the particulars thereof, and such written statement shall be treated as a plaint in a cross suit and Court fees levied from him thereon, according to the provisions of this Regulation.

Fee on memorandum of appeal.

5. The amount of fee payable under this Regulation on a memorandum of appeal (including those provided for in the Land Acquisition and Forest Regulations) or of objections on appeal under Section 532 of the Code of Civil

---

The building was put up without the knowledge or consent of plaintiff. It was not caused by any act or conduct on the part of the plaintiff which could have induced an honest belief on defendant's part that he would be compensated and thus operated as an estoppel against plaintiff. There is no principle of equity to justify a mere tenant in putting up costly buildings and charge the cost of the same to the land-lord when he demands the property.—19 T. L. R., 46.

Ref.—24 T. L. R., 37.

2. A suit by a lessee against a trespasser for the recovery of property leased should be valued as one for the recovery of property based on a lease under Clause viii (c) and not as one under Clause v (a) of Sec. 4. The amount of Court fee leviable in such a suit need not, therefore, be on the market-value of the property.— 30 T. L. R., 221.

Procedure, shall be calculated, as if it was a suit under the provisions of the preceding Section, for the reliefs claimed in the memorandum of appeal or of objections.

Multifarious suits.

6. Where a suit or appeal embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal, in suits embracing separately each of such subjects, would be liable under this Regulation.

Sec. 5 : (1) The corresponding Sec. 8 in the Indian Act is :—"*The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.*"

(2) The provision made in Sec. 5 did not find a place in Regulation I of 1062.

Sec. 6 : In the Indian Act, the corresponding Sec. has the following 2nd para :—"Nothing in the former part of this Section shall be deemed to affect the power conferred by the Code of Civil Procedure, Section 9." (Or. II, Rule 6.)

Case Law.

A and his brother B, to whom the plaint properties belonged, executed an Otti and Kuzhikanom and Pathivarom deed in regard to those properties. The moiety right which B possessed over those properties was subsequently purchased by the defendant who also obtained an assignment of the Otti and Kuzhikanom and Pathivarom rights from the mortgagee's heir. The plaintiff, the son of A, sued to redeem the mortgage and to recover his moiety of the properties with arrears of Pathivarom, by partition by metes and bounds, and offered to pay a moiety of the mortgage amount due to the defendant. The plaintiff paid institution fees on (1) the market-value of one-half of the plaint properties, (2) one-half of the mortgage amount due to the defendant, and (3) Pathivarom arrears due to the plaintiff. The District Court, wherein the suit was instituted, was of opinion that as the plaintiff had paid Court fee on the market-value of the properties, no separate payment of institution fee on the mortgage amount was necessary and that the suit fell consequently within the pecuniary jurisdiction of the Munsiff. The plaint was therefore returned for presentation to the Munsiff's Court. *Held* (on appeal).—The suit for redemption of a mortgage and for recovery of properties by partition by metes and bounds embraced two distinct causes of action. The plaint was therefore correctly valued.

The expression 'distinct subjects' in Sec. 6 means distinct causes of action. In the case, there were distinct causes of action forming the groundwork of the reliefs comprised in items (1) and (2) of the plaint valuation. If the suit had simply been for redemption of one-half of the mortgaged properties on payment of one-half of the mortgage amount, any decree for partial redemption passed in the plaintiff's favour would have but entitled him to become a tenant-in-common with the defendant of such share, and to enjoy the property on 'Oodukur' along with the defendant. In execution of such a decree, the plaintiff could not claim to be put in exclusive possession of any definite portion of the plaint properties, such portion being divided by metes and bounds. A Court executing such a decree would be clearly guilty of an illegality and would be travelling beyond the scope of the decree, if it attempted in execution to ascertain by metes and bounds, the share in respect of which redemption had been allowed and put

7. Where several reliefs are sought for in the alternative, in respect of one and the same subject-matter, the plaint or memorandum of appeal shall be chargeable with the highest amount of fee payable in respect of any one of the reliefs.

Highest fee payable where several reliefs are sought for.

8. If the Court sees reason to think that the market-value of any immovable property including trees, as is mentioned in the plaint or memorandum of appeal, has been wrongly estimated, the Court may, for the purpose of computing the fee payable, issue a commission to any proper person, directing him to make such local or other investigation as may be necessary, and to report thereon to the Court. If, as the result of any such investigation, the Court finds that the market-value has been wrongly estimated, the Court, if the estimation has been excessive, may, in its discretion, refund the excess paid as such fee; but, if the estimation has been insufficient, the Court shall require the plaintiff to pay, within such time as it may fix, so much additional fee as would have been payable, had the said

Power to ascertain market-value.

Procedure where it is wrongly estimated.

---

the plaintiff in exclusive possession of such share. A person entitled to partial redemption of mortgaged properties, in view to get such share ascertained by metes and bounds, must bring a suit for partitioning such share. In the case, this was what the plaintiff wanted as the first item of relief claimed by him and valued by him separately in the plaint. One test for seeing whether the cause of action for claiming the two reliefs was the same or not, was to consider whether the obtaining of a decree for partial redemption pure and simple would bar a subsequent suit by such decree-holder for ascertainment by metes and bounds and delivery to him of such share in a subsequent suit. If the cause of action for these two suits is the same, then, under Sec. 39 of the Civil Procedure Code, the subsequent suit must be considered barred. But a suit for ascertainment by metes and bounds of the share in respect of which partial redemption had already been decreed and delivery of such share exclusively to the said decree-holder, is maintainable. This distinction was not clearly recognised in 10 T. L. J., 134. That case, in so far as it held that, because institution fees had been paid on the market-value of the share sought to be recovered therein, no institution fees need be paid *ipso facto* on the proportionate share of the mortgage amount was not correctly decided (F. B.).—

37 T. L. R, *313.* (11 T. L. J., *449.*)

Sec. 8: There was no Proviso to the Section in Regn. I of 1062, nor is there a similar provision in the Indian Act as amended.

Case Law.

The Court ordered payment of deficient Court fees due on an undervalued appeal memo and the appellant prayed for permission to forego part of the claim set forth in the appeal memo and to prosecute the rest of the subject-matter thereof: *Held.*— Such a prayer cannot be granted, as Sec. 7 (=Sec. 8) is peremptory in respect of the direction to dismiss the suit in cases of non-payment under the Court's order.—20 T. L. R., *177.*

market-value been rightly estimated. If the additional fee is not paid within such time, the suit shall be dismissed:

Provided that the Court may extend the time within which such additional fee should be paid either before or after the expiry of the time previously fixed.

Procedure in suit for mesne profits or accounts, when amount decreed exceeds amount claimed.

9. In suits for mesne profits or for immovable property and mesne profits or for accounts, if the profits or amount decreed are or is in excess of the profits claimed, or of the amount at which the plaintiff valued the relief sought, the decree shall not be executed, until the difference between the fee actually paid and the fee which would have been payable, had the suit comprised the whole of the profits or amount so decreed, shall have been paid.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed, until the difference between the fee actually paid and that which would have been payable, had the suit comprised the whole of the profits so ascertained, is paid.

If, in a suit for accounts or partition, the Court finds that the defendant is entitled to recover property from the plaintiff, the Court may give a decree accordingly, but the defendant shall not execute it, before paying the Court fee on the relief as granted, according to the provisions of this Regulation.

Explanation.—Nothing in this Section shall be construed to authorise the levy, in the Court of original jurisdiction, of Court fee on the amount of mesne profits or interest accruing due in respect of the subject-matter, between the date of the institution of the suit and the final execution of the decree.

Sec. 9: (1) In Para 2 the Indian Act has also the following :—"If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed."

(2) Para 3 of the Section is an addition to the provision in Regn. I of 1062, and is not found in the Indian Act.

(3) In the Explanation, the words "in the Court of original jurisdiction" are an addition not found in Regn. I of 1062. The Indian Act does not contain any Explanation.

Case Law.

1. A decree was passed by the District Judge in a suit for settlement of partnership accounts, defining the shares of, and fixing the sum of money due to, each partner. The decree further provided that such of the defendants, who were given a decree, should pay within two months from the decree the Court fee payable on the sum of money awarded by the decree to them; and on failure of payment within the time so

10. Every question relating to valuation, for the purpose of determining the fee leviable under this Regulation, shall be decided by the Court before which it is raised. The order of the Court, except when it dismisses

Decision of questions as to valuation.

---

fixed, they should not execute the decree. This decree was passed on 18th Chingom 1080. Two appeals were preferred from this decree, and an order was passed on the 1st Panguni 1082, which *inter alia* altered the shares of the several partners as fixed by the original Court, and directed accounts to be taken for ascertaining the sum of money due to each partner on the footing of the finding by the Appellate Court as regards the number of shares of the several parties Subsequent to this order, the original plaintiff died, and his representatives were not impleaded within the time allowed by law. On the 3rd of Avi 1084, the Appellate Court held that the appeals had abated, and dismissed both the appeals. The fourth defendant and the legal representatives of the fifth defendant applied to the District Judge on the 4th Kumbhom 1085 for execution of the Zilla decree, and prayed for extending the time for payment of the Court fee due from them. The District Judge granted their prayer. On appeal: *Held.*—(1) The provision in the decree fixing a time for payment of Court fees was a surplusage, as also the provision prescribing a penalty for nonpayment. Sec. 8 (=Sec. 9) does not fix any time limit for payment of Court fees. All that the Section lays down is that deficient Court fees should be paid before execution is taken out.

(2) The Court was competent to extend the time for payment even after the expiration of the period originally fixed. The provision in the decree, stating that a decree-holder's right to execute the decree is made conditional upon payment of Court fees within a fixed period, must be viewed as a rule *nisi* to be made absolute by a fresh order of the Court.

(3) The order of the High Court of 1-8-1082 was a decree as defined by Sec. 2 of the Procedure Code. That decision was the 'formal expression of an adjudication upon' the right, namely, the right of being declared to have a particular share claimed in the appeals.

(4) The original decree of the District Court was superseded by the High Court decree on 1-8-1082 in respect of the shares to which each partner was entitled, and the High Court decree was binding on the parties.— **1 T. L. J.,** ***169.***

Ref.—2 T. L. J., 163.
13 T. L. J., 104.

2. The concession in respect of payment of Court fee contained in Para 3 of Sec. 9 had no retrospective effect and as the suit was filed prior to the passing of that Regulation, the defendant was to pay Court fee on his claim before he could ask the Court to enquire into it on the merits.

It is a sound rule of construction that a statute should have a prospective operation only, unless its terms show clearly a legislative intention that it should operate retrospectively. Anterior to Regn. VI of 1087, there was no provision of law similar to that contained in Para 3 of the Section (F. B.).—
39 T. L. R., ***136*** **(13 T. L. J.,** ***46*****)**

3. See under Sec. 4 iv (*c*).—

23 T. L. R., ***183.***

Sec. 10 :—(1) This Section repeats Sec. 9 of Regn. I of 1052 with the addition, in the Proviso, of the words within brackets,

(2) Sec. 12 of the Indian Act runs as follows :—

"*12. (i) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such*

the suit or appeal on the ground of erroneous valuation, shall be final between the parties to the proceedings in which the question is raised:

Provided that, whenever any such proceeding comes before a Court of appeal, revision or reference, and if such Court considers that the said question had been wrongly decided to the detriment of the revenue, it shall require the party by whom the fee is payable, to pay the additional fee, within a time to be fixed by such Court (the Court having power to extend the time at its discretion), and, in default of payment, shall dismiss the suit, appeal or application, as the case may be, in respect of which the additional fee is due.

---

decision shall be final as between the parties to the suit.

(ii) *But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of Section 10, paragraph (ii), shall apply."*

Sec. 10 (ii) referred to above is as follows;—"In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed."

Case Law.

1. When a suit is not dismissed by the lower Court on the ground of erroneous valuation, the plaintiff is not entitled to challenge by means of a revision petition the order of the lower Court directing him to pay Court fee on the market-value of the property which he seeks to recover.—

6 T. L. J., *60.*

2. Sec. 10 of the Regulation refers only to decisions relating to valuation *for the purpose of determining the fee leviable.* It does not refer to decisions relating to valuation for the purpose of determining whether the Court in which the plaint was presented had jurisdiction in the matter. Sec. 557, Clause 6, of the Civil Procedure Code does not exclude from its operation orders returning plaints to be presented to the proper Court, when they are made on the ground that the suit, if rightly valued, would be of a value beyond the pecuniary jurisdiction of the Court. Sec. 10 of the Court Fees Regulation is not declared as controlling Sec. 557, Clause 6, of the Procedure Code. The mere fact that, in cases falling under Sec. 2 of the Suits Valuation Regulation, the Appellate Court, when fixing the valuation of a suit for the purpose of determining whether a particular suit does or does not lie within the jurisdiction of a particular Court, will also incidentally be fixing the value which may eventually have to be adopted for the purpose of determining the Court fee payable on the plaint, does not, by itself, oust the jurisdiction of the Appellate Court to decide whether a subordinate Court was or was not justified in returning a plaint for presentation in another Court on the ground of want of jurisdiction. It is not in all cases that the valuation fixed for the purpose of determining the jurisdiction will also be adopted for the purpose of determining the Court fee payable.— 9 T. L. J., *339.*

3. See under Sec. 4 v (*d*).—

12 T. L. R., *44.*

---

11. In the following cases, and to the extent specified, the Court may order the refund of Court fees :—

When Courts may order refund of Court fees.

(a) when a suit or appeal is compromised, or when a suit is decided solely on the admission of the parties, without any investigation, one-half of the Court fee paid on the plaint or memorandum of appeal as the case may be ;

(b) when a suit is remanded to the lower Court for investigation, and decision *de novo*,

(1) the whole of the Court fee paid on the memorandum of appeal, if the remand order covers the whole suit,

(2) so much only of the fee as would have been payable on the part or parts of the subject-matter in respect whereof the suit has been remanded, if the order of remand covers only part or parts of the subject-matter ;

(c) when the Court (original or appeal) reverses or modifies on review, its former judgment, on a ground of mistake of law or fact, but not on account of the laches of the parties,

(1) in the case of reversals, the whole fee paid on the application for review, minus the fee payable on petitions to the Court, and,

(2) in the case of modifications, so much only of the fee as would have been payable, if the application for review was confined to the part of the judgment modified :

but nothing in this Section shall entitle the applicant to any refund under Clause (c), when the reversal or modification is due wholly or in part to fresh evidence which might have been produced at the original hearing ;

Sec. 11. (1) This repeats Sec. 10 of Regn. I of 1062, with the addition of Clauses (d) and (e) newly put in.

(2) The corresponding Sections of the Indian Act are given below as they are often referred to in the Case law on the subject.

"*13. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal on any of the grounds mentioned in Section 351 of the same Code (=Or*

(d) when a Court of first or second appeal orders the receipt of a plaint or appeal rejected by a lower Court on any of the grounds mentioned in the Code of Civil Procedure, the whole or so much of the fee as in the case of remands for investigation and decision *de novo*;

(e) when an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, on payment of full fees, so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day, if the Court finds that the delay was not caused by the applicant's laches.

12. [*Repealed by Regulation VIII of 1100.*]

XLI, r. 23 of Act V of 1908), for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate authorising him to receive back from the Collector the full amount of fee paid on the memorandum of appeal: Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

"14. Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

"15. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the Second Schedule to this Act, No. 1, Clause (b) or Clause (d).

But nothing in the former part of this Section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing."

Sec. 12. (1) The repealed Section ran as follows:—"No respondent shall be allowed to object to the portion of the decree not appealed against, unless he pays, seven days before the date fixed for hearing, or within such further time as the Court may, on special application, deem fit to grant, the additional Court fee which would have been payable on the appeal, if it had comprised the part of the decree so objected to."

(2) In Regn. I of 1062, the time allowed was 'ten days before the date fixed for hearing or within such further time, &c.'

(3) In the Indian Act, there was a Section (16) for payment of 'additional fee where respondent takes objection to unappealed part of decree'; but it was repealed by Act V of 1908.

Case Law.

Under Sec. 11 (=Sec. 12) of the Regulation, a respondent objecting to a finding on facts and indirectly to a portion of the decree also, need not pay more than the petition fee on his objections.— **13 T. L. R.**, *93.*

13. Nothing contained in this Regulation shall render the following documents chargeable with any fee:—

Exemption of certain documents.

(a) Written statements other than those on which *ad valorem* fees are leviable;

(b) first application for summons to a witness or witnesses, either to give evidence or to produce documents or in respect of the filing of an exhibit;

(c) petition or appeal presented or Vakalath executed by a prisoner in duress or under restraint of any Criminal Court or its Officers, and petitions presented by Civil debtors while under duress;

(d) petitions presented by a judgment-creditor, during the execution of a decree, requesting the Court to take certain steps in aid of execution, provided the prescribed fee is paid on the first application, and the execution case is pending on the file;

(e) requisitions made by the Government for copies of judgment and decree or order or records in suits or proceedings;

(f) objections to attachment of property in execution of decrees, when they are made by or on behalf of the Government;

(g) applications (other than applications for execution of decrees) presented to Munsiffs in non-appealable cases;

(h) applications for sums ordered to be refunded under Section 11;

(i) complaints by a public servant (as defined in the Travancore Penal Code);

Sec. 13: The last five exemptions are additions to Regn. I of 1062. In the Indian Act, they total about two dozens

Case Law.

The benefit of the exemption contained in Sec. 13, (c), is confined to petitions connected with the particular proceeding which has given rise to the duress or restraint and does not extend to every petition presented by the prisoner. A wider interpretation would enable a prisoner to present a petition against or an appeal from a decree or order of a Civil Court in which large interests are involved, without paying any Court-fee whatever, thus placing the law-abiding and peaceful citizen at a disadvantage and depriving Government of the fee justly claimable by it. It seems that such was not the intention of the Legislature.—

13 T. L. J., 34.

(j) application for the payment of money due by the Government to the applicant ;

(k) application for compensation under any law for the time being in force relating to the acquisition of property for public purposes ; and

(l) petition, application, charge or information, respecting any offence, when presented, made or laid to or before a Police-Officer.

CHAPTER II.

Process Fees.

14. The High Court shall make Rules as to the following matters :—

High Court to make Rules as to process fees.

i. The fee chargeable for serving and executing processes issued by such Court and by the other Civil and Criminal Courts ;

ii. the number of process servers to be attached to each such Court and their remuneration ; and

iii. the refund of process fees.

The High Court may, from time to time, alter and add to the Rules.

All such Rules, alterations and additions, after being confirmed and sanctioned by Our Government, shall be published in the Official Gazette and shall thereupon have the force of law.

The Revenue Courts shall be regulated by Rules framed by Our Government who may, from time to time, alter and add to the Rules.

All such Rules, alterations and additions shall be published in the Official Gazette and shall thereupon have the force of law.

The Rules in force at the date of the passing of this Regulation shall continue in force, until new Rules are sanctioned.

15. A Table in the English, Tamil and Malayalam languages, showing the fees chargeable for such service and execution shall be exposed to view in a conspicuous part of each Court.

Table of process fees.

CHAPTER III.

Of the Mode of Levying Fees.

Collection of fees in stamps.

16. All fees chargeable under this Regulation shall be collected in stamps.

Stamps to be impressed or adhesive.

17. The stamps used to denote any fees chargeable under this Regulation, shall be impressed or adhesive, or partly impressed and partly adhesive, as Our Government may, by Notification in the Official Gazette, from time to time, direct.

Rules for supply, number, renewal and the keeping of accounts of stamps.

18. Our Government may, in such case, make, from time to time, Rules for regulating—

(a) the supply of stamps to be used under this Regulation ;

(b) the number and description (whether impressed or adhesive) of stamps to be used for denoting any fee chargeable under this Regulation ;

(c) the renewal of damaged or spoiled stamps ;

(d) the keeping of accounts of all stamps used under this Regulation ;

(e) the mode in which the refunds of Court or process fees shall be made ; and

(f) the cancellation of stamps in modes additional to that indicated in Section 21.

All such Rules shall be published in the Official Gazette and shall thereupon have the force of law.

Proper fee levied on documents inadvertently received.

19. No document which ought to bear a stamp under this Regulation, shall be of any validity, unless and until it is properly stamped.

Sec. 19: Case Law.

1. (1) An appeal memorandum which has been presented without any fee being paid on it must be considered as not legally presented until the fee is paid and the date of presentation must be taken to be the date on which the fee is paid, except in the case provided for in the latter part of Sec. 17 old (=Sec. 19). From Secs. 3 and 17, it is clear that at the time an appeal is filed, that is, entered in the Court's Register and numbered, the fee on it must have been paid into Court except where such document has been received without the requisite fee through mistake or inadvertence which must be that of the Court and not of the party presenting the appeal. The word 'received' can only refer to the Court or its officers, as the act of receiving, filing and recording of documents is done by the one or the other and never by a suitor or his adviser, and where a document has been received

But, if any such document is, through mistake or inadvertence, received, filed or used in any Court or Office, without being properly stamped, the presiding or senior Judge in the Civil and Criminal Courts or the head of the Office as the case may be, or, in the case of the High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relating thereto shall be as valid as if it had been properly stamped in the first instance.

The Court may also pass an order in favour of the Sirkar, after giving notice to the party liable and hearing his objection, for the recovery from him, with the expenses of such recovery, any Court fee which he ought to have paid but has not paid; and the Sirkar may recover the same as if the said order was a decree in its favour.

---

through mistake or inadvertence without the requisite fee, the fee has to be paid on an order passed by a Judge, and then and then only, is its reception made valid. The columns of Schedule I referred to in Sec. 3 show that the fee there fixed shall be levied on *presentation* of a plaint or memorandum. The valuation is to be made by the suitor, and on his presenting the plaint or memorandum of appeal with the fee, it is the duty of the Officer of the Court who is charged with the work of receiving plaints and appeals to levy the proper fee. Schedule I is intended for the guidance of suitors, while Secs. 3 and 17 are directions to the Courts. These provisions mean that a suitor shall, on presentation of an appeal, present also the fee payable on it, that no appeal shall be filed unless the fee prescribed be paid, that no appeal memorandum which has been presented without the requisite fee shall be valid until the fee is paid, that where an appeal has been received by the Court without any fee having been paid on it through mistake or inadvertence, a Judge may order the fee to be levied and on the fee being levied the reception of the appeal shall become valid with retrospective effect.

(2) An appeal memorandum put into Court unaccompanied by any fee is not a document of which judicial notice can be taken except in cases specially provided for by law, and the Court is not bound to give notice to the appellant before rejecting such appeal.

The mere presentation of an appeal memorandum without the payment of the fee required by the Court Fees Regulation is insufficient to satisfy the requirement of Sec. 4 of the Limitation Regulation. Though the presentation and admission of an appeal be distinct acts, it does not follow that provided the presentation is made within time, the fee may be paid and the appeal admitted at any time afterwards. A statute must be so construed as not to lead to an absurdity. When a statute employs a term to define an act, the term must be construed in its legal sense. The word 'presented' used with reference to an appeal in Sec. 4 of the Limitation Regulation does not mean a mere putting into Court of a paper called an appeal memorandum, but a legal presentation—a presentation of which judicial notice can be taken. Under Sec. 17 of the Court Fees Regulation, an appeal which is put into Court unaccompanied by any fee has absolutely no validity. It is not a legal presentation, and the Court cannot take judicial notice of it. It is a piece of waste paper until the fee is paid, and therefore cannot be accepted as a presentation made according to law. It would be absurd that a suitor

should put into Court an appeal memorandum within time, but pay the fee six months or even twelve months afterwards. The Legislature did not intend that a payment made in this manner would make the presentation valid under the Limitation Act. This and the Court Fees Regulation are laws relative to procedure and should be read together and effect given to the provisions of each so as not to result in absurd contradictions (F. B.). **14 T. L. R.,** *102.*

Dist.—2 T. L. J., 340.
1 S. D., 309.
Overruled —28 T. L. R., 36.

2. A plaint was engrossed on ordinary revenue stamp paper of the value of Rs. 58, and adhesive Court fee stamps to the value of one rupee and four chuckrams were affixed to it, and the same was presented to the Court. Before the date fixed for the first hearing, the plaintiff discovered his mistake and presented a copy of the plaint written on proper Court fee stamp paper. The Court of first instance wrote on the back of the second plaint 'Registered'. The claim had become barred on the date of the filing of the second plaint. It was contended for the defence that the plaint was not duly stamped on the date of presentation, and that, as the claim had become barred on the date of the second plaint, the suit ought to be dismissed. *Held* (In appeal).—An insufficiently stamped plaint stood on a wholly different footing to a plaint not stamped at all. In the case, the plaint could not be said to have been wholly unstamped on the date of its first presentation, as proper Court fee stamps of however small a value had been affixed to the plaint. It had been stamped, but the stamp was deficient. Though the value of the adhesive stamps was enough only for process fees, in the absence of an express declaration on the plaintiff's part that the adhesive stamps were intended to defray the expenses for issue of process, there was no reason to hold that they were produced necessarily for that purpose. It could well be maintained that they went *pro tanto* to the Court fees chargeable on the plaint. The decision in 14 T. L. R., 102 did not apply, as that case was one in which no fee at all had been paid on a memorandum of appeal presented to the Court. In this case, the plaintiff, even before the Court Officers, discovered the defect in the stamp paper used for the plaint, found out the mistake and rectified it, and the Munsiff had passed the order 'Registered' on the copy of the plaint that was produced. That was a sufficient compliance with the provisions of Para 1 of Sec. 17 (old).— **2 T. L. J.,** *340.*

3. The plaintiff brought a suit for possession of certain immovable properties, basing his suit on the title he derived at a Court sale of such properties. The plaint was filed on the last day of the period of the twelve years allowed for the institution of the suit and was registered the same day. Subsequently, it was found that there was deficiency in the Court fee paid on the plaint, and the deficiency was made up within the time fixed by the Court for the purpose. It was contended, *inter alia*, that the suit was barred by limitation, as the plaint, filed without sufficient Court fee payable in respect of it, was not validly filed in law, and that it was only after the expiry of the limitation period, when the deficiency in Court fee was made up, the plaint must be deemed to have been validly filed. It was also contended that the Court sale on which the plaintiff found his title was vitiated by irregularities in the proceedings which led up to the sale. *Held.*—(1) When a plaint is presented within the prescribed period of limitation on a paper insufficiently stamped and time is given by the Court to make good the deficiency, the suit is not barred by limitation if the deficiency is supplied within the time fixed by the Court but after the limitation period has expired.

(2) A transfer of property made by a judgment-debtor during the pendency of execution proceedings in respect of it is affected by the doctrine of *lis pendens.*

The view adopted in 13 T. L. R., 198 and 14 T. L. R., 102 is based on the consideration that the word 'plaint' in Sec. 4

of the Limitation Regulation means a plaint on which prescribed Court fee has been paid. There is no justification for thus qualifying the meaning of the word 'plaint' by importing into it the provisions of the Court Fees Regulation. The argument mentioned in 14 T. L. R. that the Civil Procedure Code, the Limitation and the Court Fees Regulations should be read together and that the provisions of any of these Regulations are controlled by the provisions in the other Regulations is met by the consideration that the object of the Court Fees Regulation being purely fiscal, it cannot be read into the provisions of the other two Regulations.

The second sentence in Sec. 17 (=Sec. 19) of the Court Fees Regulation appears to show that the Legislature did not contemplate the remedy of dismissing a suit as barred, if the Court fee was not paid within the period of limitation; for, it provides that on payment of the fee the proceedings may be validated. This grace is not confined to those cases only where the default to collect the necessery fee is due to the neglect of the Court. The terms 'mistake or inadvertence' which occur in that Section are probably intended to make it clear that when the fee actually collected was consciously and deliberately collected as the full fee, the Court could not exercise the power of ordering the collection of any further fee under that Section. If this be the correct interpretation of the Section, it will be seen that there is nothing in its language to justify any inference that the neglect of the party to calculate the fee correctly and to pay the whole of it should be visited with the penalty of dismissing his suit on the ground of limitation. That the Section in question provides only for validating the proceedings taken under an insufficiently stamped paper, shows it beyond doubt that the Legislature did not contemplate the alternative of punishing the party by providing that the proceedings should be regarded as wholly null and void and of no effect. Sec. 8 (=Sec. 9) of the Court Fees Regulation makes the intention of the Legislature clearer still. It is thus clear that the Court Fees Regulation does not contemplate the alternative of dismissing a suit as the direct penalty or consequence of an omission to pay the full fee. It says in Sec. 17 that no document liable to Court fees shall be of any validity unless the full fee is paid and it provides the course to be adopted in some cases for collection when the fee has not been collected in the first instance. The provision in Sec. 3 means only that the filing, &c., should be done after the whole fee is collected and nothing more.

Sec. 50 of the Civil Procedure Code provides that the Court should fix a time for the payment of the fee, and, if it is not paid within such time, the plaint should be rejected. That this is the procedure to be adopted even when no part of the fee has been paid is clear from Clause (*b*) of Sec. 50. The forced construction put upon this Clause in 14 T. L. R., 102 appears to be the best proof of the correctness of the objection to such construction. Their Honors say at page 106 that the cases of non-payment of fee covered by the words 'in full' in this Clause comprise only the case where the fee has not been paid in respect of any one of the distinct subject-matters in dispute or the case of pauper suit. There is nothing in the Clause in question to limit its scope in this manner. The words 'in whole' are clear and apply to include the case of a plaint on which no fee whatever has been paid, irrespective of the question whether the plaint is confined to one subject-matter only or includes more than one distinct subject-matter. The mischief of the reasoning in 14 T. L. R. case consists in the assumption that a plaint in fact is not such if the prescribed fee is not paid. The unsoundness of this assumption will appear clearly when it is remembered that Secs. 7 and 8 of the Regulation (old) do not provide that the additional fees should not be collected after the expiry of the period of limitation. It is a matter of common knowledge that, under Sec. 7, fees are levied

20. Where any document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Amended document.

21. No document requiring a stamp under this Regulation shall be filed or acted upon in any proceeding in any Court or office, until the stamp has been cancelled.

Cancellation of stamp.

Such Officer as the Court or the head of the office may, from time to time, appoint, shall, on receiving any such document, forthwith effect

---

very often after the expiry of the limitation period. Sec. 7 did not say that if the plaint was valued incorrectly for the purpose of defrauding the revenue, the plaintiff should be non-suited, though it provides that, if the requisite fee is not supplied within the time fixed by the Court, the suit should be dismissed. The danger of giving a premium to impecunious suitors by opening for them a door to get round the Limitation Regulation, is, no doubt, a real danger. But the danger can be minimised by ordering the payment of the deficiency to be made within as short a time as possible and by making arrangements for a speedy examination of the pleadings presented in Court. It seems to be no matter how or why the plaint was *received* in Court without payment of the fee payable on it. The Legislature did not think it necessary to provide that any enquiry should be held to ascertain if the omission was honest or dishonest on the part of the party. On the other hand, it has expressly provided that the plaint shall be rejected on the plaintiff's omission to pay the fee within a time to be fixed by the Court. This appears to support the view that the intention of the Legislature is not that the omission to pay the fee in the first instance should be followed by a dismissal of the suit, without giving notice to the plaintiff to pay the balance in a given time. Sec. 50 (*b*) of the Procedure Code does not refer to the Limitation Regulation at all. The significance of this omission is manifest when we refer to Secs. 93 and 358 of the Code. It is clear that the Legislature did not care to consider the reasons for under-valuation and short payment, as their discovery would entail a difficult and unnecessary investigation. The Legislature was particular only about the collection of the full fee so that the public revenue may not be affected. When once that condition is fulfilled, it allows the parties to have their proceedings carried on without any let or hindrance. * * The power to reject a plaint is given only by Sec. 50 of the Procedure Code, and it is necessary to comply with its provisions in order to validly exercise the power conferred by that Section. That the word 'received' in Sec. 17 of the Court Fees Regulation is not employed in a technical sense, is clear from the following words of the Section, namely, 'filed or used'. To hold that the word 'received' applies only to cases where the plaint has been examined and passed, would make the two words 'filed or used' redundant. The High Court therefore, over-rule the Full Bench decisions 13 T. L. R., 198 and 14 T. L. R., 102 and hold that the Court is bound to follow the provisions of Clause (*b*), Sec. 50, and give time to the party to pay the deficiency before dismissing the plaint or appeal for failure to pay Court fees, if the plaint has been received without notice, noticing the defect in respect of Court fees (F. B.).—

28 T. L. R., *36* (3 T. L. J. *85*).

such cancellation, by punching out the figure head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER IV.

Miscellaneous.

Power to reduce or remit fees.

22. Our Government may, from time to time, by Notification in the Official Gazette, reduce or remit, in the whole or in any part of the Travancore State, all or any of the fees mentioned in the Schedules to this Regulation annexed, and may, in like manner, cancel or vary such order.

Re-payment of fees paid on application to Criminal Courts.

23. Whenever an application or petition containing a complaint or charge of an offence other than an offence for which Police-Officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convicts the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant, the fee paid on such application or petition.

Where the complainant has paid fees for serving processes in the cases mentioned in the preceding para of this Section, the Court, if it convicts the accused person, shall, in addition to the penalty imposed on him, order him to repay such fees to the complainant.

All fees ordered to be repaid under this Section may be recovered as if they were fines imposed by the Court.

Sec. 23: (1) This reproduces in the main the provisions in the Indian Act. Paras 2 and 3 are additions to Regn. I of 1062.

(2) Sec. 21 of the old Regulation was as follows:—"Whenever an application or petition containing a complaint or charge of the offence of criminal trespass or of defamation is presented to a Criminal Court, &c."

Case Law.

1. A District Magistrate, while upholding the conviction and sentence in a case of trespass, set aside the order of a Subordinate Magistrate directing that the fine imposed on the accused be awarded to the complainant as compensation and that the fee of one Rupee levied on the complaint be also recovered by the complainant from the accused:

Held.—The order of the subordinate Magistrate directing the payment, to the complainant of the Court fee is warranted by Sec. 21 of the Regulation (=Sec. 23) and should not have been interfered with by the Appellate Magistrate, if the charge was one of simple trespass.

Where the petition of complaint discloses charges of offences other than that of criminal trespass, no Court fee need be levied by the subordinate Magistrate.—

13 T. L. R. App., *1.*

24. Whenever the filing or exhibition, in a Criminal Court, of a document in respect of which the proper fee has not been paid, is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in Section 3 shall be deemed to prohibit such filing or exhibition.

Admission in Criminal cases of documents for which proper fee has not been paid.

25. Our Government may, from time to time, make Rules for regulating the sale of stamps to be used under this Regulation, the person by whom alone such sale is to be conducted and the duties and remuneration of such persons.

Sale of stamps.

All such Rules shall be published in the Official Gazette and shall thereupon have the force of law.

Any person appointed to sell stamps, who disobeys any Rule made under this Section, and any person not so appointed, who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

---

2. Sec. 21 (old Regulation) lays down that the amount of Court fees to be realised from the accused in a case of conviction should be *in addition to* the fine imposed for the offence and that the Court fees should not form part of the fine.— 2 S. D. *396.*

SCHEDULES.

Sch. I, Art. I : (1) The Indian Act has in addition the words 'or counter-claim' after 'set-off," and the words " except those mentioned in Section 3 " at the end.

(2) In Regn. I of 1062, the Article reads thus :—"Plaint or memorandum of appeal presented to any Civil Court, not specially provided for."

Case Law.

In appeals from orders under Sec. 238 of the Civil Procedure Code, the proper Court fee leviable on the memorandum of appeal is an *ad valorem* fee prescribed by Art. I of Schedule I.— 30 T. L. R., *57.*

[It may be noted here that this ruling has become inoperative by virtue of a subsequent Government Notification dated 3–10–1913.— *T. G. G., dated 7–10–1913, Pt. I, P. 1698.*

Sch. I, Art. II :—In Regn. I of 1062, the fee leviable was :—"½ of the fee leviable on the plaint or memorandum of appeal, in a suit for the amount in respect of which review is prayed for, provided the minimum fee shall be 3½ Fs."

Case Law.

Where an application for review of judgment covers only a portion of the relief claimed in the plaint, the Court fee payable on such application should be calculated not on the entire value of the original plaint but only on the relief which would be obtained if the review were granted.

The leading principle of the Court Fees Regulation is that the amount of the Court

fee bears relation to the amount of the relief sought for. In cases of doubt, fiscal Regulations should be interpreted in favour of the subject.

Sec. 11 (c) (2) clearly indicates that the Legislature contemplated the entertainment of review petitions upon which it is not necessary to pay the entire Court fee levied in the plaint itself.— **33 T. L. R.**, *23.*

Sch. I, Art. III: In Regn. I of 1062, the fee leviable was "The fee leviable on the plaint or memo of appeal in a suit for the amount in respect of which review is prayed for."

Case Law.

A review petition was presented to the Court on the second day after the expiry of the three months prescribed by Art. II of Schedule I of Regn. I of 1062, the two previous days being holidays, and the petitioner claimed exemption from liability to pay the full fee leviable under Art. 3 of the same Schedule, by the provisions of Sec. 5 of the Limitation Regn. (II of 1062). *Held*:- The provisions of the Limitation Regulation could not be imported into those of the Court Fees Regulation, in the absence of express legislative sanction. In the state of the law, the review petition could be admitted only on payment of the full fee prescribed by Art. 3 (F. B.)—**10 T. L. R. App.**, *1.*

Sch. I Arts. IV & V: (1) In Regn. I of 1062, there was only one Article which provided that, if application was presented six months after the date of award, the fee leviable was on the value of the property awarded.

(2) The other Articles in the Schedule are additions to Regn. I of 1062 and are taken from the Indian Act.

Sch. II, Art. VI: In the Indian Act, the words 'from an order rejecting a plaint or' were omitted by S. 155 (Sch. 4) of Act V of 1908.

Sch. II, Art. VII: This Article, now repealed, was in Regn. I of 1062 (Art. II).

Sch. II, Art. VIII: The Indian Act also contains the following Clause :—"to obtain a declaratory decree where no consequential relief is prayed."—

Vide Note under Sec. 4, *Supra.*

Art. VIII (iii): Case Law.

In a suit for declaration of the plaintiff's right to present possession of the property within the meaning of the last paragraph of Sec. 324 of the Civil Procedure Code, the Court fee payable is Rs. 10; and this notwithstanding that, besides the prayer for setting aside the summary order passed against the plaintiff in execution proceedings the plaint also contained a prayer for a declaration that the property should not be delivered in pursuance of such order. This prayer is only an amplification of the prayer to set aside the summary order ; and upon that prayer being granted, the other result necessarily follows. The right of the appellant for the establishment of his right rests upon the second para of Sec. 324, which recognises a suit like the one under decision as the only mode of obtaining review of the order passed under that Section ; and Clause (iii) of Art. VIII relates just to actions of this description.—

36 T. L. R., *8* (**9 T. L. J.**, *316.*)

Art. VIII (iv): Case Law.

In a suit for setting aside an order of a Dewan Peishkar refusing to transfer the registry of certain properties to the plaintiff's name, the defendants contended *inter alia* that the Court fee should be levied on the market-value of the properties, as the real object of the suit was for declaration of title. The District Judge upholding the contention of the defendant ordered that Court fee should be levied on the market-value of the properties. *Held*.—The suit fell under Art. VIII, Clause (iv) of Sch. II.

This Article seems to have been copied direct from an Act which had in contemplation a different state of affairs than that which prevails in Travancore. The real meaning of the Article has to be seen. The words 'proprietor' and 'estate' have not

been defined in this Regulation, so that they may be given the widest interpretation. 'Estate' will mean accordingly any interest in land, and a revenue-paying estate will be any such interest separately assessed for revenue. 'Proprietor' will be merely the person entitled to the land or the owner who is from his ownership liable to pay the tax. The word 'owner' is often used in legislation to include other persons than those ordinarily so considered. The payment of land revenue is the exercise of one of the attributes of ownership. The present suit is one that is aimed at effecting an alteration in the list of the names of persons assessed for revenue. This list is in fact a list of 'proprietors,' though all the persons named in it may not be full owners, and relates expressly to lands assessed for revenue (F. B.).
—**31 T. L. R.,** *217* (**5 T. L. J.,** *425*).

Art. VIII (vii): Case Law.

1. The question was raised as to how a suit for setting aside a mortgage for a specified term should be valued, when the plaintiff seeks to cancel only a portion of the mortgage, and the grant of the term of occupancy. *Held* (on reference to a Full Bench).—The amount of the mortgage in dispute and not the full amount secured by the mortgage, should be the measure of valuation. The relief for setting aside the term of occupancy should be separately valued for the purposes of Court fees. The relief for the money value of the privilege conferred by the grant may be valued in the mode indicated in the Article I (*b*) of the 2nd Schedule (Regn. 1 of 1062), *i. e.*, by payment of a consolidated fee of 100 Fanams. (F. B.).— **13 T. L. R.,** *84*.

2. A suit for the removal of the manager of a Devaswom was originally filed in a District Court. The District Judge ordered the return of the plaint for presentation before the Munsiff's Court on the ground that the value of the suit for the purposes of jurisdiction should be assumed to be 1000 Rs., the pecuniary jurisdiction of a Munsiff under Regulation I of 1077. The plaintiff then added a prayer to the plaint by asking the appointment of another person as manager. The District Judge was of opinion that the second prayer was but an extension of the first prayer and that no separate fees should be received for each of the prayers. *Held*,—Separate fees under Clause (*b*), Art. I of Schedule II (Regn. I of 1062) might be levied for each of the prayers contained in the plaint; *i. e.*, a hundred fanams for the removal of the manager and another hundred fanams for the nomination of a new manager. The case should be tried by the District Judge.— **19 T. L. R.,** *110*.

Ref.—31 T. L. R., 6.

3. A suit to set aside an Udampadi, which provides for the management of the trust properties of a church, is one of the class of suits to which it is not possible to estimate at a money value the subject matter in dispute, as it is only the method of management that is in suit and the Court fee payable therefor is that fixed in Art. VIII Clause vii, of the Second Schedule. It is only in suits to establish any right to trust properties that Court fees need be paid on their market value.— **31 T. L. R.,** *6*.

4. The plaintiff sued under Sec. 71 of the Registration Regulation for a decree directing the registration of a Will, registration of which was refused by the Registrar, and paid a court fee of ten Rupees treating the suit as one where it was not possible to estimate at a money value the subject-matter in dispute and thus falling within Schedule II, Art. VIII (vii).

It was contended for the defence that the suit should be treated as one for obtaining a declaratory decree as provided for by Sec. 4, Clause V, Sub-clause (*d*) of the Regulation, and that, consequently, an *ad valorem* Court fee upon the market-value of the subject matter, namely, the properties involved in the Will, should be paid. *Held*,—The valuation adopted by the plaintiff was correct.— **34 T. L. R.,** *91* (**9 T. L. J.,** *301*).

SCHEDULE I.

Ad valorem Fees.

	Value of suits.			Value of suits.		
	When the amount exceeds	When the amount does not exceed	Fee leviable.	When the amount exceeds	When the amount does not exceed	Fees leviable.
	Fanams.	Fanams.	Fanams.	Fanams.	Fanams.	Fanams.
I. Plaint, written statement pleading a set off or memorandum of appeal not otherwise provided for in this Regulation or of cross-objection presented to any Civil or Revenue Court.	0	100	5	4,700	4,800	240
	100	200	10	4,800	4,900	245
	200	300	15	4,900	5,000	250
	300	400	20	5,000	5,100	255
	400	500	25	5,100	5,200	260
	500	600	30	5,200	5,300	265
	600	700	35	5,300	5,400	270
	700	800	40	5,400	5,500	275
	800	900	45	5,500	5,600	280
	900	1,000	50	5,600	5,700	285
	1,000	1,100	55	5,700	5,800	290
	1,100	1,200	60	5,800	5,900	295
	1,200	1,300	65	5,900	6,000	300
	1,300	1,400	70	6,000	6,100	305
	1,400	1,500	75	6,100	6,200	310
	1,500	1,600	80	6,200	6,300	315
	1,600	1,700	85	6,300	6,400	320
	1,700	1,800	90	6,400	6,500	325
	1,800	1,900	95	6,500	6,600	330
	1,900	2,000	100	6,600	6,700	335
	2,000	2,100	105	6,700	6,800	340
	2,100	2,200	110	6,800	6,900	345
	2,200	2,300	115	6,900	7,000	350
	2,300	2,400	120	7,000	7,700	378
	2,400	2,500	125	7,700	8,400	406
	2,500	2,600	130	8,400	9,100	434
	2,600	2,700	135	9,100	9,800	462
	2,700	2,800	140	9,800	10,500	490
	2,800	2,900	145	10,500	11,200	518
	2,900	3,000	150	11,200	11,900	546
	3,000	3,100	155	11,900	12,600	574
	3,100	3,200	160	12,600	13,300	602
	3,200	3,300	165	13,300	14,000	630
	3,300	3,400	170	14,000	14,700	658
	3,400	3,500	175	14,700	15,400	686
	3,500	3,600	180	15,400	16,100	714
	3,600	3,700	185	16,100	16,800	742
	3,700	3,800	190	16,800	17,500	770
	3,800	3,900	195	17,500	18,200	798
	3,900	4,000	200	18,200	18,900	826
	4,000	4,100	205	18,900	19,600	854
	4,100	4,200	210	19,600	20,300	882
	4,200	4,300	215	20,300	21,000	910
	4,300	4,400	220	21,000	21,700	938
	4,400	4,500	225	21,700	22,400	966
	4,500	4,600	230	22,400	23,100	994
	4,600	4,700	235	23,100	23,800	1,022

SCHEDULE I—(*Contd*).

Ad valorem Fees.

Value of suits. When the amount exceeds	Value of suits. When the amount does not exceed	Fee leviable.	Value of suits. When the amount exceeds	Value of suits. When the amount does not exceed	Fee leviable.
Fanams.	Fanams.	Fanams.	Fanams.	Fanams.	Fanams.
23,800	24,500	1,050	1,08,500	1,12,000	4,130
24,500	25,200	1,078	1,12,000	1,15,500	4,235
25,200	25,900	1,106	1,15,500	1,19,000	4,340
25,900	26,600	1,134	1,19,000	1,22,500	4,445
26,600	27,300	1,162	1,22,500	1,26,000	4,550
27,300	28,000	1,190	1,26,000	1,29,500	4,655
28,000	28,700	1,218	1,29,500	1,33,000	4,760
28,700	29,400	1,246	1,33,000	1,36,500	4,865
29,400	30,100	1,274	1,36,500	1,40,000	4,870
30,100	30,800	1,302	1,40,000	1,47,000	5,180
30,800	31,500	1,330	1,47,000	1,54,000	5,390
31,500	32,200	1,358	1,54,000	1,61,000	5,600
32,200	32,900	1,386	1,61,000	1,68,000	5,810
32,900	33,600	1,414	1,68,000	1,75,000	6,020
33,600	34,300	1,442	1,75,000	1,82,000	6,160
34,300	35,000	1,470	1,82,000	1,89,000	6,300
35,000	36,750	1,540	1,89,000	1,96,000	6,440
36,750	38,500	1,610	1,96,000	2,03,000	6,580
38,500	40,250	1,680	2,03,000	2,10,000	6,720
40,250	42,000	1,750	2,10,000	2,24,000	7,000
42 000	43,750	1,820	2,24,000	2,38,000	7,280
43,750	45,500	1,890	2,38,000	2,52,000	7,560
45,500	47,250	1,960	2,52,000	2,66,000	7,840
47,250	49,000	2,030	2,66,000	2,80,000	8,120
49,000	50,750	2,100	2,80,000	2,94,000	8,400
50,750	52,500	2,170	2,94,000	3,08,000	8,680
52,500	54,250	2,240	3,08,000	3,22,000	8,960
54,250	56,000	2,310	3,22,000	3,36,000	9,240
56,000	57,750	2,380	3,36,000	3,50,000	9,520
57,750	59,500	2,450	3,50,000	3,85,000	10,220
59,500	61,250	2,520	3,85,000	4,20,000	10,920
61,250	63,000	2,590	4,20,000	4,55,000	11,620
63,000	64,750	2,660	4,55,000	4,90,000	12,320
64,750	66,500	2,730	4,90,000	5,25,000	13,020
66,500	68,250	2,800	5,25,000	5,60,000	13,720
68,250	70,000	2,870	5,60,000	5,95,000	14,420
70,000	73,500	2,975	5,95,000	6,30,000	15,120
73,500	77,000	3,080	6,30,000	6,65,000	15,820
77,000	80,500	3,185	6,65,000	7,00,000	16,520
80,500	84,000	3,290	7,00,000	7,35,000	17,220
84,000	87,500	3,395	7,35,000	7,70,000	17,920
87,500	91,000	3,500	7,70,000	8,05,000	18,620
91,000	94,500	3,605	8,05,000	8,40,000	19,320
94,500	98,000	3,710	8,40,000	...	20,000
98,000	1,01,500	3,815	...		(the maximum fee.)
1,01,500	1,05,000	3,920			
1,05,000	1,08,500	4,025			

SCHEDULE I—(*Contd.*)

Number.	*Ad valorem Fees.*	*Proper fee.*
II. Application for review of judgment, if presented before the ninetieth day from the date of the decree.		One-half of the fee leviable on the plaint or memorandum of appeal.
III. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.		The fee leviable on the plaint or memorandum of appeal.
IV. Application to file an award made without the intervention of a Court of Justice, if presented before the ninetieth day from the date of the award.		Ten rupees.
V. Application to file an award made without the intervention of a Court of Justice, if presented on or after the ninetieth day from the date of the award.		The fee leviable on the value of the property awarded.
VI. Copy or translation of judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court, other than the High Court, or by the presiding Officer of any Revenue Court or Office, or by any other judicial or executive authority—	

SCHEDULE I—(*Contd.*)

Number.	*Ad valorem Fees.*	*Proper fee.*
	(*a*) if the amount or value of the subject-matter is fifty rupees or less;	Quarter-rupee
	(*b*) if such amount or value exceeds fifty rupees,	Half-rupee.
	When such judgment or order is passed by the High Court.	One rupee.
VII. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court, other than the High Court, or by any Revenue Court—	
	(*a*) if the amount or value of the subject-matter of the suit wherein such decree or order is made, is fifty rupees, or less than fifty rupees;	Half-rupee.
	(*b*) if such amount or value exceeds fifty rupees.	One rupee.
	When such decree or order is made by the High Court.	Two rupees.
VIII. Copy of any document liable to stamp-duty under the Travancore Stamp Regulation, IV of 1080,	(*a*) When the stamp-duty chargeable on the original does not exceed eight annas;	The amount of the duty chargeable on the original.
when left by any party to a suit or proceeding in place of the original withdrawn.	(*b*) in any other case.	Half-rupee.

SCHEDULE I—(*Concld.*)

Number.	*Ad valorem Fees.*	*Proper fee.*
IX. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Regulation, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office.		Half-rupee.

SCHEDULE II.

Number.	*Fixed Fees.*	*Proper fee.*
I. Application or petition.	(*a*) when presented to any Officer of the Customs or Excise Department, or to any Magistrate, by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ;	
	or, when presented to any Officer of Land Revenue by any person holding temporarily settled land under direct engagement with the Government, and when the subject-matter of the application or petition relates exclusively to such engagement ;	

SCHEDULE II—(*Contd.*)

Number.	*Fixed Fees.*	*Proper fee.*
	or, when presented to any President of a Town Improvement Committee under any Regulation for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	
	or, when presented to any Civil Court, or to a Division Peishkar or other Officer of Revenue, in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	
	or, when presented to any Civil, Criminal or Revenue Court or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court or Officer, or of any other document on record in such Court or Office;	Two chuckrams.
	(*b*) when containing a complaint or charge of any offence other than an offence for which Police-Officers may, under the	

SCHEDULE II—(*Contd.*)

Number.	*Fixed Fees.*	*Proper fee.*
	Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court ;	
	or, when presented to a Civil, Criminal or Revenue Court or to a Division Peishkar or any Revenue Officer having jurisdiction equal or subordinate to a Division Peishkar, or to any Magistrate in his executive capacity, and not otherwise provided for by this Regulation ;	Half-rupee.
	(*c*) when presented to Our Government or to any chief Officer charged with the executive administration of a Division, and not otherwise provided for by this Regulation ;	Two rupees.
	(*d*) when presented to the High Court.	Two rupees.
II. Application for leave to sue as a pauper.		Half-rupee.
III. Application for leave to appeal as a pauper.	(*a*) when presented to a District Court ;	One rupee.
	(*b*) when presented to the High Court.	Two rupees.
IV. Bail-bond or other instrument of obligation given in pursuance of an order made by a Civil Court.		Half-rupee.

SCHEDULE II—(*Contd.*)

Number.	*Fixed Fees.*	*Proper fee.*
V. Mukthiarnama or Vakalathnama.	when presented for the conduct of any one case—	
	(*a*) to any Civil or Criminal Court other than the High Court or to any Revenue Court, or to any Peishkar or other Officer in charge of a Revenue Division, or Magistrate or other Executive Officer, except such as are mentioned in Clause (*b*) of this number ;	Half-rupee.
	(*b*) to the High Court or Our Government.	Two rupees.
VI. Memorandum of appeal, when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree and is presented—	(*a*) to any Civil Court other than the High Court, or to any Revenue Court or Executive Officer subordinate to Our Government ;	Half-rupee.
	(*b*) to the High Court or Our Government,	Two rupees.
VII. [*Repealed by Regulation VIII of 1100.*]		
VIII. Plaint or memorandum of appeal in each of the following suits :—		
i. to remove a Karanavan ;	(*a*) where the *ad valorem fee* on the value of the property does not exceed forty rupees ;	*Ad valorem fee.*
	(*b*) in all other cases.	Forty rupees.
ii. to remove a Trustee ;		Fifteen rupees,

SCHEDULE II—(*Concld.*)

Number.	*Fixed Fees.*	*Proper fee.*
iii. to alter or set aside a summary decision or order of any of the Civil Courts; iv. to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates; v. to set aside an award; vi. to set aside an adoption;		Ten rupees.
vii. every other suit where it is not possible to estimate, at a money-value, the subject-matter in dispute, and which is not otherwise provided for by this Regulation.		Ten rupees.
IX. Application under Section 502 of the Code of Civil Procedure.		Ten rupees.
X. Agreement under Section 506 of the same Code.		Ten rupees.

COURT FEES—*Other Cases.*

1. The application contemplated by Secs. 320 and 321, Regn. II of 1065, Secs. 213 and 214, old Code) when ordered to be registered as a suit by the Court to which it is made, should be registered in the Court which has jurisdiction to try the suit.

The fact that an application under either of these Sections has to go to a superior Court on account of the value of the property embraced by it being higher than the pecuniary jurisdiction of the Court to which the application was made, does not make any difference in the liability to pay Court fees.— **7 T. L. R.,** *129.*

2. In the appeal by defendant against a decree setting aside his attachment of certain properties alleged to belong to plaintiff,

the Court fee need be assessed only on the value of the interest claimed by the attaching creditor (defendant-appellant), *viz.* the amount due under his decree, even though the value of the attached property may exceed that amount.— **12 T. L. R.,** *157.*

3. The decretal order contained in a judgment for a conditional dismissal of the suit on non-payment of the additional fee within a fixed period must be viewed as a rule *nisi* to be made absolute by a fresh order of the Court, and the Court is competent to extend the time for payment even after the expiration of the period within which the fee was to be paid under the original order.

The levying of additional Court fee after the time fixed for its payment is not an irregularity affecting the merits.— **17 T. L. R.,** *112.*

Ref.—1 T. L. J., 169.
Ex.—13 T. L. J., 104.

4. In a suit for removal of Karanavan, certain distant Koottukars who failed to show a *prima facie* case of community of interest in the suit Tarwad were made additional defendants in the suit. In the appeal preferred by them impugning the lower Court's finding against their membership, they offered to pay Court fees on the total value of the Tarwad properties. *Held.*—As no such fees could be levied in appeal from either party, the only course was to leave the question of the rights of the Koottukars for settlement in a separate suit on payment of proper Court fees.

Under the ruling in 15 T. L. R., 131, the parties should pay Court fees on the total value of the Tarwad properties. But to allow it at this stage would be inconvenient and irregular—inconvenient inasmuch as, after having got the relief for which they brought the suit, the plaintiffs would now have to conduct a suit against another party at their own expense and for a declaration which they never asked for, and irregular inasmuch as the offer is in fact to conduct in appeal a suit of a higher value than in the lower Court to the prejudice of the Court fees revenue. The defendants cannot be made to pay the additional fees for the lower Court, as they were on the wrong side of the litigation and the plaintiff cannot be required to pay the same as he being *dominus litis* was not bound to sue every one that alleged an adverse title, and for the purposes of the suit that he brought it was not necessary to seek any relief against the defendants.— **18 T. L. R.,** *252.*

Dist.—19 T. L. R., 112.
Ref.— 21 T. L. R., 1.
34 T. L. R., 116.

5. (1) In a suit for recovery of immovable property, Court fees need not be levied from the defendant on the value of improvements, if any, claimed by him.

The chief argument advanced in 23 T. L. R., 123 for holding that defendant should pay Court fees on the value of improvements claimed by him in the written statement is that such a written statement should be regarded as a plaint in a cross suit, and that, on the analogy of a defendant, claiming a set-off in a written statement, being compelled to pay Court-fees on the amount claimed to be set-off, the defendant claiming value of improvements in a written statement should also be made to pay Court fees on the amount so claimed. There is really no analogy between a claim of set-off made in a written statement and a claim for the value of improvements which an outgoing tenant puts forward in answer to an eviction suit. Where claims of set-off are allowed or where, as in suits for partition or, for accounts or for dissolution of partnership, defendants are given reliefs on their written statements on payment of Court fees, as if they are plaints, such claims and such reliefs are generally enforceable by the persons in whose favour they are allowed, as plaintiffs. It is only an accident in such cases that, instead of being plaintiffs, they happen to be defendants in the array of parties. It is not so in the case of value of improvements. The right to receive value of improvements effected on a land does not exist

independently of an eviction suit. It is not a right which can be enforced by a person as a plaintiff in a Court of law if there be no eviction suit. It is merely incidental to a decree for possession of land. It is a mere inchoate right which only becomes perfected at the eviction and subject to its customary incidents. A suit for recovery of the value of improvements in the absence of eviction is not maintainable. It is not, therefore, right to compare a claim to receive the value of improvements made by a defendant to a claim of set-off or other relief which a defendant claims in a written statement and which he has a right to enforce even as a plaintiff. Again, so far as payment of Court fees is concerned, the case of a plaintiff is completely different from that of a defendant. When a person institutes a suit as a plaintiff, he deliberately and of his own accord chooses to go to Court, and it is but right and proper that he should be compelled to pay a sum of money to the State as Court fees according to the nature of the relief that he seeks. But the same reasons do not apply to a defendant who is dragged against his will to a Court of law by the institution of a suit against him. * * The practice of levying Court fees on the amount of value of improvements claimed by defendant in his written statement which came into existence after the decision in 23 T. L. R. is indefensible in principle and opposed to accepted notions governing fiscal laws.

(2) In a suit for recovering of immovable property, the value of improvements if any, either admitted or denied by the plaintiff, need not be taken into consideration in determining the jurisdiction value.

The decision in 23 T. L. R., 123 lays down that in an eviction suit the pecuniary jurisdiction is to be determined by the sum total of the valuation given in the plaint and the amount of the value of improvements claimed in the written statement. This seems to be opposed to statutory enactments, sound principles of law and the authority of decided cases. In the above case, the decision in 19 T. L. R., 223, which was really with reference to the jurisdiction of the Court of first instance, was misread as it was said that the question was with reference to the jurisdiction in appeal.

(3) The Court fee payable in appeal by a defendant who appeals against a decree for redemption and disputes the plaintiff's right to redeem, is only on the mortgage amount, provided that the appeal does not relate to other matters (F. B.).—

25 T. L. R., *1* **(1 T. L. J.,** ***252*****).**
Ref.—32 T. L. R., 245.
39 T. L. R., 78.

6. In a suit by the plaintiff for recovery of property on a lease, the defendant denied the lease, but the Munsiff gave a decree to the plaintiff. On appeal preferred by the defendant, the District Judge, holding that there was a *bona fide* question of title between the parties, ordered the plaintiff to pay Court fees on the market-value of the property and on his failure to do so, dismissed the original suit. *Held*,—The Court fee was payable only on the footing of the lease and not on the market-value of the property.— **25 T. L. R.,** ***255*****.**
Ref.—3 T. L. J., 213.

7. An order directing a party to pay additional Court fee ought not to be embodied in a judgment which records findings against him on the merits. Such an order ought to be recorded in a separate proceedings and judgment reserved till the payment is made.

A valid judgment and a binding and final decree cannot be reconsidered by the Court except on a petition for review or an order from a superior Court, and any fresh decree passed, except under these conditions, is a nullity and cannot operate as a bar to the execution of the prior decree which has *ipso jure* become final. The principle of construing a decree with reference to the judgment is applicable only to those cases where the decree is ambiguous or expressed in extremely vague and general terms.—

26 T. L. R., *58* **(1 T. L. J.,** ***150*****).**

8. Where a plaintiff wanted to withdraw a portion of his suit on account of his inability to pay the whole Court fees on the value of the plaint properties, as subsequently found by the commissioner deputed for the purpose, and the cause of action of the withdrawn portion was different from the rest of the plaint, the plaintiff might be allowed to amend his plaint as prayed for under the wide powers conferred upon Courts under Sec. 49, Clause (c) of the Civil Procedure Code.— 1 S. D., *309.*

9. Two defendants, claiming independently of each other to some of the properties in dispute, put in a joint appeal, valuing their reliefs separately. They paid also Court fees on the costs of the plaintiff, for which each of them had been held liable separately. *Held.*—The joint appeal was not proper. Court fee need not be paid on costs generally in all cases, unless the decree as to costs is questioned in appeal independently of any other reliefs.

An appellant is liable to pay Court fees in a memorandum of appeal only in respect of "the subject-matter in dispute in appeal." No doubt, the expression "subject-matter" does not occur in Schedule I of the Regulation (I of 1062), but it occurs in the British Act. This expression also occurs in various places in Sec. 4. The question, then, is whether, ordinarily, costs awarded or denied by the lower Court form the "subject-matter" in appeal. Costs generally follow the result of a suit, and when there is an appeal against the decision on the main points involved in the suit, costs cannot be said to form the "subject-matter" in appeal, unless, for any special reason, objection is taken particularly to the order as to costs. 'When apart from and independently of any other reliefs which an appellant seeks in an appeal from a decree, he seeks distinct relief on the ground that, by the decree under appeal, the costs of the parties in the proceedings, which terminated with the decree, have not been properly assessed or apportioned, the value of such distinct relief should be reckoned as part of the subject-matter in dispute for the purposes of Court fees."— 1 T. L. J., *388.*

10. A suit was brought for the recovery of property leased. The Court expressed its findings on the issues raised and gave the plaintiff a decree which, however, contained a direction that, in default of payment by the plaintiff of the additional Court fees found due within a specified time, the suit would stand dismissed. The plaintiff defaulted to pay the additional Court fees, and the suit was accordingly dismissed. The plaintiff then brought a suit for the same relief. It was contended by the defendant that the decree in the prior suit operated as *res judicata*. *Held.*—The dismissal of the prior suit for the plaintiff's default to pay additional Court fee required of him should be viewed only as an order rejecting the plaint under Sec. 50 of the Civil Procedure Code, and therefore, did not operate as *res judicata.*

Sec. 50 does not prescribe any limitation as to the stage at or the time within which the powers given to the Court by that Section could be exercised.— 32 T. L. R., *15.*

11. Pepper vines are not permanent plantations but are more or less short-lived and they should not be taken into account in calculating the annual gross profits for computing the Court fee payable on the market-value of the properties.— 34 T. L. R., *172.*

12. Where, on appeal from the decree in a pauper suit, the plaintiffs had substantially succeeded, the Appellate Court simply directed by its decree that the Court fee payable by the plaintiffs should be made a charge on the subject-matter of the suit. In execution of this appellate decree, the Sirkar proceeded to recover the Court fees from the 1st plaintiff personally. The latter objected, but his objection was overruled by the execution Court. The first plaintiff appealed from the above order. *Held.*—As the plaintiffs had substantially succeeded in appeal, it was not obligatory on the Appellate Court to have

directed them to pay the institution fees personally. In the face of the appellate decree, the Sirkar could not recover the fees from the plaintiffs personally, but only recover them from the properties charged.

"The phrases 'failure' and 'success' in relation to a suit seem to be used in Secs. 411 and 412 of the Indian Procedure Code (=Secs. 396 & 397) not as mere opposite terms, but as contradictories. Failure is a universal and not a particular negative of success. Any modicum of success would prevent the result of a suit from being a failure within the meaning of Sec. 412. An entire absence of success is failure. When a suit is compromised, the plaintiff cannot be said to have failed within the meaning of the Section. The fact that he has obtained an agreement which he is willing to accept, prevents the result of his suit from depriving him entirely of all success. But if there is absolutely nothing gained by the suit, so that the result is to leave the plaintiff in *statu quo ante*, or by reason of his liability for costs, in a worse position, it would be a strain of language to say that the plaintiff had obtained any success of any kind or degree by his suit."— **38 T. L. R.**, *277.*

13. Where the foundation of a suit for redemption is a mortgage whose validity is admitted on both sides, but the defendant puts forward subsequent Puramuris or deeds of further charge as items which must be given credit for and paid to him before redemption can be decreed, it is enough to pay institution fee on the admitted mortgage amount. It is for the defendant to establish the validity of such further charges.

Quere.-If the defence establishes the binding nature of all or any of the charges referred to in the written statement in respect of the plaint properties and if such amount or amounts together with the admitted mortgage amount exceed the pecuniary jurisdiction of the Munsiff's Court, whether the plaintiff can be allowed any relief in the case or not? **13 T. L. J.**, *415.*

14. The plaintiff sued *inter alia* for a declaration that he was entitled to 1/5 of certain properties, for division of his share by metes and bounds, for cancellation of certain alienations made and encumbrances created on his share and he paid Court fee on the market-value of his share. The lower Court held that the plaintiff should pay Court fee separately on each of the reliefs sought for. *Held.*—The Court fee had been properly paid by the plaintiff.

Per Varughese, J.—The suit is one for a declaration that the plaintiff is entitled to 1/5 of the properties and for consequential reliefs and comes under Section 4, Clause v (*d*) of the Court Fees Regulation. The suit has, therefore, to be valued thereunder.

Per Sankara Pillai, J.—The suit is essentially one for partition and recovery of possession of the plaintiff's share in the scheduled properties. As such, it falls within Clause (*a*) of Sub-sec. 5 of Sec. 4 of the Regulation and therefore Court fee has to be paid on the market-value of the plaintiff's share of the properties. The Clause relating to declaratory decrees is Clause (*d*), but no separate fee need be paid in respect of the declarations prayed for, as these are merely ancillary to the main relief referred to. It is laid down in Civil Circular 18 of 1075 that, in a suit for recovery of possession of mortgaged property on cancellation of the mortgage, Court fee must be paid on the market-value of the property covered by the mortgage, and that no separate fee need in that case be paid on the prayer for cancellation of the mortgage deed. The principle of that Circular applies to this suit as well.— **40 T. L. R.**, *205.*

Fol.—42 T. L. R., 473.

15. In the case of property capable of yielding annual profits, the market value of the property must be taken to be ten times the annual gross profits of the property minus the assessment paid to the Sirkar. It is not necessary that the property should be cultivated every year in order that it should yield annual profits. It may be cultivated one year and left fallow next year, or half may be cultivated in one year and half the next year. It is enough that an average annual yield can be arrived at.—

14 T. L. J., *106.*

16. See Vol. I, P. 766-767.—

34 T. L. R., *116.*

RULES AND NOTIFICATIONS.

I. RULES.

(1)

Made by the Government of His Highness the Maha Raja, under Sections 17, 18 and 25 of the Court Fees Regulation, VI of 1087, in supersession of the Government Notifications dated the 21st December 1904, the 18th June 1907, the 8th July 1907, and the 20th July 1908.

[As amended.]

(No. J. 7966 dated 1st November 1912.) (a)

1. All fees chargeable under the Court Fees Regulation, VI of 1087, as also the registration fees leviable by the Civil Courts under Article XVIII of the Table of Fees appended to the Rules dated the 23rd November 1911/8th Vrischikom 1087, issued under the Registration Regulation, II of 1087, and the copying fees leviable by the High Court and all the Civil and Sessions Courts subordinate thereto, shall be levied in stamps of the descriptions given below:—

(i) Impressed stamp papers of the value from Re. 1 to Rs. 425.

Paper and device—same as for General stamps with the words "Court Fees" stamped in blue ink over the bi-coloured impression.

(ii) (1) Copying paper of the value of 2½ chuckrams—Impression printed in green ink.

(2) Service copying paper of the value of 2½ chuckrams—Same impression as Copying paper, but with the word "Service" over-printed on it in red ink.

(iii) Adhesive labels of the under-mentioned values. Paper same as for Anchal stamps, but device special.

(1) One-anna label.
(2) Two-chuckrams label—Printed in terra cotta colour.
(3) Four-chuckrams label—Printed in violet colour.
(4) Quarter-rupee label—Printed in red colour.
(5) Half-rupee label—Printed in green colour.

Note.—The Anchal stamps of the value of 2 and 4 chuckrams with the letters "C. F." over-stamped on them, shall also be used, till the stock, if any, of those stamps is sold out. For one-anna label, the one-anna Revenue adhesive stamp similarly over-stamped shall be used until new ones are issued. The paper used for all labels is water-marked.

(a) *T. G. G., dated 19-11-1912, Pt. I, Pp. 2203—2204.*

2. The manufacture, custody, supply and sale of stamps under this Regulation, as well as the keeping of accounts by the *ex officio* and licensed vendors, shall be as prescribed in the Rules passed under Sections 78 and 79 of the Stamp Regulation, IV of 1080. [Court fee stamps of the value of Rs. (50) fifty and below will be sold to the public, at the face value, by the *ex officio* and licensed vendors, *the latter* being allowed three per cent. discount as per G. O. No. J 3889, dated the 21st July 1910]. (a) All stamps above the value of Rs. (50) fifty will be sold at the Sirkar treasuries.

3. When single stamps, either impressed or adhesive, of the exact value required, are available, such stamps alone shall be used. Where such stamps are not available, two or more stamps may be used to make up the exact amount of fee chargeable in respect of any document, in which case, a portion of such document shall be written on each sheet so used: [Provided, however, that, under such circumstances, no stamp of a lower denomination should be used so long as one of a higher denomination is available]. (b) When a single impressed sheet is found insufficient to admit of the entire document being written on it, so much plain paper may be sub-joined thereto as may be necessary for the complete writing of such document: Provided that, in every such case the sheet which bears the stamp must be covered by a substantial part of the document before any part of the latter can be written on the plain paper joined to such sheet: Provided, further, that the part of the document written on the plain paper must be attested by the initials or marks of the person or persons signing the document. Adhesive labels shall be used only for fractions of a rupee either by themselves or to supplement the value of impressed stamp paper to the exact amount required, in which latter case, the labels shall be affixed on either of or both the sides of the bi-coloured impression.

4. Prayers relating to distinct matters or liable to Court fee under different Articles or Clauses of Articles of the Schedules appended to the Regulation, should not, as a rule, be combined in one petition. Separate petitions should be presented in respect of each of such prayers.

[5. Damaged or spoiled Court fee stamps may be renewed by the Division Peishkar, whether the stamps were purchased in his Division or elsewhere, on application made to him within six months after the stamp has been damaged or spoiled and on delivery of the stamps concerned: Provided that Our Government

---

(a) Substituted by Govt. Notifin. No. J. 6563, dated 3rd August 1913.—*T. G. G., dated 19-8-1913, Pt. I, P. 1469.*

See also Rules 33, 39 and 40 of Rules under Regn. IV of 1080, Vol. I, Pp. 1404-1405.

(b) Inserted by Govt. Notifin. No. J. 798, dated the 5th February 1917.—*T. G. G. dated 6-2-1917, Pt., I, P. 220.*

may in special cases allow renewals within one year after the stamp has been damaged or spoiled.

5–A. The Division Peishkar may, before passing an order under Rule 5, require every person claiming a renewal or his duly authorised agent to make an oral statement on oath or affirmation or to put in an affidavit setting forth the circumstances under which the claim has arisen. The Division Peishkar may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his agent.

5–B. Court fee stamps will be held to be damaged or spoiled within the meaning of Rule 5—

(*a*) when the stamp or the paper on which it is impressed or affixed has been inadvertently and undesignedly spoiled, obliterated or by any means rendered unfit for use; or

(*b*) when because of some error in the drawing up or copying of any writing upon it to which it is affixed, the writing is rendered of no avail; or

(*c*) when by reason of death, a transaction which is intended to be effected by a writing duly stamped with the proper fee is not completed and the writing becomes of no avail;

(*d*) when the transaction intended by such writing to be effected has been effected by some other instrument on which the proper fee has been duly paid;

(*e*) when any stamp has been filed in any Court or before any Public Officer and cancelled accordingly, and it is afterwards discovered that such stamp has been required by mistake and that a stamp of less value ought to have been required and certificate to that effect is issued by the said Court or Public Officer; or

(*f*) when plaints written thereon have not been filed in any Court.

In the case of stamps spoiled under Clause (*c*), the Division Peishkar may grant a renewal within six months after the date of delivery to the holder of the certificate mentioned in the Clause.

5–C. In any case in which a renewal is allowed under Rule 5, the Division Peishkar may give in lieu thereof,

(*a*) other stamps of the same description and value, or

(*b*) if required and he thinks fit, stamps of any other description to the same amount and value, or

(c) at his discretion the same value in money deducting one anna for each rupee or fraction of a rupee.

5-D. When any person is possessed of Court fee stamp or stamps which have not been damaged or spoiled as detailed in Rule 5-B, but for which he has no immediate use, the Division Peishkar shall repay to such person the value of such stamp or stamps in money deducting one anna for each rupee or fraction of a rupee upon such person delivering up the same to be cancelled and on proving to the Division Peishkar's satisfaction—

(a) that such stamp or stamps were purchased by such person with a *bona fide* intention to use them ; and

(b) that he has paid the full price thereof ; and

(c) that they were so purchased within the period of six months next preceding the date on which they were so delivered :

Provided that, when a licensed vendor surrenders his license order, the Division Peishkar may at his discretion repay to him or his representative, as the case may be, the sum actually paid by the vendor without any such deduction as aforesaid.] (a)

6. Refunds of Court [and process] (b) fees and registration fee shall be made by the Court issuing to the party concerned a refund order or bill on the local Treasury, for the amount of the fee to be repaid.

7. The head ministerial Officer of each Court and the head of each Department and office, or such Officer as the Court or the head may, from time to time, appoint in writing, shall, on receiving any document bearing a Court fee stamp, forthwith cancel the stamp, by punching out the figure-head (shank) so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

8. As regards adhesive labels,—in addition to the punching as aforesaid which is applicable to all Court fee stamps whether impressed or adhesive—the record-keeper of every Court and Office shall, when the record is consigned to his custody, punch a second whole in each label, distinct from the first, and shall note the date of doing so, at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

(a) Substituted by Govt. Notifn. No. J. 1776, dated the 23rd/28th February 1918.—*T. G. G., dated 5-3-1918, Pt. I, P. 313.*

(b) Inserted by Govt. Notifn. No. J. 6563 dated 3rd August 1913.—*T. G. G., dated 19-8-1913, Pt. I, P. 1469.*

9. With regard to copies, certificates or other similar documents liable to Court fee, the Court or Officer issuing the same, shall, before issue, cancel the adhesive labels affixed to them, if any, by punching out a portion of the labels in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed. As an additional precaution, the signature of the Officer attesting the document, with the date, should be written across the label and upon the paper on either side of it, as is frequently done by persons signing stamped receipts. This Rule applies only to adhesive labels. The figure-head in the impressed sheets used for copies, etc., should not therefore be punched or otherwise cancelled.

10. A Register shall be maintained in every Court and every Officer, showing the following particulars :—

(1) the serial number in the Register ;
(2) the date of presentation of the document ;
(3) the name and address of the applicant or petitioner presenting the stamped document ;
(4) the denomination of the stamps ;
(5) the number of each kind ;
(6) the total value ;
(7) the nature of the petition or application (document) ;
(8) whether the stamp represents the proper fee, and, if not, the amount of the deficiency or the excess ;
(9) the amount of refund made, if any, with the date.

11. These Rules shall take effect from the 1st Dhanu 1088.

---

(2)

THE RULES AND FORMS *re* COURT FEES.

Prescribed by the High Court in the Civil Courts Guide.
[They are given below for facility of reference.]

Separate valuation of prayers.

"324. In suits for recovery of immovable property falling under Clause v (*b*) and Clause viii (*c*) of Section 4, when the plaint contains an additional prayer for the recovery of arrears of Michavarom or for setting off such arrears against the Kanom amount or a prayer for recovery of damages for waste committed on the property or for setting off such damages against the Kanom amount, such prayers ought to be separately valued and institution fees levied according to Section 6 of the Court Fees Regulation.

" 325. The expression " gross profits " in Clause v of Section 4 of the Court Fees Regulation, must be taken to mean " gross produce *minus* the expenses of cultivation in the case of paddy lands, or the annual maintenance expenses in the case of garden lands."

Meaning of gross profits.

" 326. A suit for the cancellation of Patta or for its amendment, where no declaration of title to or recovery of possession of property is prayed for, shall be treated as one falling under Schedule II, Article VIII (vii) of the Court Fees Regulation, VI of 1087.

Suits for cancellation of Patta.

" 327. In suit for the cancellation of a mortgage deed the value of the subject-matter is the amount for which the mortgage was executed, or the market value of the property mortgaged, whichever is less ; but if the plaint contains an additional prayer for the recovery of the mortgaged property, institution fees shall be levied on the market value of the property covered by the mortgage.

Suits for cancellation of mortgage and recovery of property.

" 328. In suits falling under Clause viii of Section 4 of the Court Fees Regulation (VI of 1087),

Value of improvements.

(1) No Court fee need be levied in the Court of first instance on the value of improvements offered by the plaintiff in his plaint, or claimed by the defendant in his written statement, or judicially determined by the Court. Court fee shall be levied only on the value of the suit as calculated on the principles laid down in the several Sub-clauses of Clause viii of Section 4 of the Court Fees Regulation.

(2) The value of improvements need not be taken into consideration in determining the jurisdiction of the Court of first instance.

(3) In appeal by defendants, where the right to redress is disputed, no Court fee need be paid on the market-value of the property, the proper Court fee to be paid in such appeal being only on the mortgage amount. If, however, in appeal the award of the value of improvements by the lower Court is questioned by any party whether in conjunction with other reliefs or not, Court fee shall be levied on the value of the improvements regarding which he seeks relief.

" 329. In partition suits, the plaintiff need pay institution fees only on the value of the share he claims, fixed with reference to the principles of Section 4 of the Regulation.

Partition suits.

"330. When an appellant specially objects to the award of costs by the lower Court, or seeks distinct relief on the ground that by the decree under appeal the costs of the parties in the proceedings which terminated with the decree have not been properly assessed or

Costs.

apportioned, or objects to the disallowance of costs by the lower Court, the costs of the suit, appeal or other proceedings appealed against shall be made chargeable with Court fees.

Copies of judgments, decrees, &c., when to be stamped.

"331. (1) When copies of judgments, decrees, depositions and other documents are granted from Courts, the fees prescribed in Article VI, VII or IX of Schedule I need not be levied on the copies. But such fees shall be levied when those copies are subsequently filed in Courts. Copies on which such fees have been once levied are not liable to be stamped again when they are again filed in Courts, or in other words, the fees under Articles VI and VII shall be levied on a copy only once.

(2) Copies of original documents written by copyists for the purpose of being filed in cases along with the original documents are not liable to be stamped under Articles VIII and IX of Schedule I. The stamp duty leviable under Column 3 of Article VIII of Schedule I shall be levied only when a *party* to a suit or proceeding withdraws an original document from Court, *before* the time limited by Section 139 of the Civil Procedure Code for the return of documents.

(3) No stamp duty shall, in any circumstances, be levied from witnesses when they receive back from Court, at any stage, original documents produced by them; but when a witness withdraws an original document before the time limited by Section 139 of the Code, the party at whose instance such document was produced shall be charged with the payment of the appropriate stamp duty under the above Article. The delay in realising the stamp duty from the parties concerned should not, however, be made a ground for delaying the granting of such applications when made by witnesses.

(4) An application for copy of an *Anu* shall be treated as a civil miscellaneous application and be taxed accordingly.

(5) The fee prescribed in Article VIII of Schedule I need not be levied on attested copies, granted by Registration Officers, of registered instruments.

Refund.

"332. (1) A plaintiff (or appellant) is entitled to the refund of Court fees allowed by Clause (a) of Section 11 of the Court Fees Regulation (VI of 1087), irrespective of the stage at which the compromise is entered into.

(2) No refund of Court fees under Section 11 of the Court Fees Regulation shall be made to any Vakil unless he produces express authority from his client.

Refunds to be noted in judgments.

"333. In all cases in which Section 11 of the Court Fees Regulation allows a refund, the Courts shall note in their judgments whether a refund is allowed or not.

"334. When the judgment in a Civil case directs the refund of the whole or a portion of the institution fees paid therein, no stamped application for the issue of the refund order from the Court on the Revenue Treasury is necessary. A memorandum on plain paper (without any fee) is all that is needed. Similarly, applications for refund of process-fees, subsistence money, &c., and for payment of moneys realised in execution of decrees are not liable to be taxed with Court fee.

Application for refund, not to be taxed.

"335. Applications for refund of institution fees, &c., should be considered to have been disposed of when the refund orders are prepared and made ready for the signature of the presiding Officer. If the applicants do not present themselves before the Court and take delivery of the refund orders within a week, notice shall be put up in the Court's notice-board calling upon them to take delivery of the same within a month of such notice, and if they do not appear within that period, the fact shall be noted on the back of the applications, and the applications bearing such endorsement shall then be taken to the presiding Officer for rejection. Nothing in this Rule shall prevent a party from making a fresh application for refund.

Disposal of application for refund.

"336. A written intimation made to the Court that a party to the suit is dead and that no fresh persons need be impleaded, the party's heirs being already parties to the suit, shall be treated as a petition falling under Schedule II, Article I of the Court Fees Regulation, VI of 1087, and taxed accordingly.

Intimation that no persons need be impleaded in place of deceased party.

"337. Applications for bringing in supplemental parties are not liable to be taxed when such parties have been ordered to be brought on the record by the Court. It will be sufficient if the applicant files a memorandum giving their description and produces the process-fees required for service of notice on them.

Application for bringing in supplemental parties pursuant to Court's order not to be taxed.

"338. Appeals from orders under Clause (*a*) of Section 238 of the Code shall be taxed *ad valorem* under Article I of Schedule I of the Court Fees Regulation; but the fees chargeable on appeals from orders under Clause (*b*) of Section 238 of the Code shall be limited to the amounts chargeable under Article VI of Schedule II.

Appeals from orders.

"339. On petitions presented to the District or Munsiffs' Courts in cases remanded by the High Court under Section 537 or 540 of the Code or sent down to carry out oath agreements, &c., the fee prescribed by Article I of Schedule II to the Court Fees Regulation in respect of the High Court shall be levied when the order on

Petitions presented in cases remanded, how to be taxed.

the petition presented is to be passed by the High Court, while in all other cases, fees shall be levied according to the scale applicable to the Court to which the application or other document is presented.

"340. When a party or Vakil applies for adjournment of cases already posted, he is bound to pay Court fees for the adjournment of each of those cases. The fees will not be levied from a Vakil if his sudden illness was the cause of his application for leave.

Fee for adjournment.

"341. When a judgment-debtor tenders payment of the judgment-debt into Court, no formal petition praying for the acceptance of such tender is necessary. It is enough if the tender is accompanied by a lodgment schedule (memorandum). But if the tender be made by a third party on behalf of the debtor and it is desired that the name of the person making the payment should appear in the body of the receipt granted in the name of the debtor, a formal application subject to the payment of the prescribed fee should accompany the lodgment schedule.

Tender of payment of judgment-debt into Court, petition when necessary.

"342. No Court fee is leviable on the petition of a decree-holder certifying to the Court full or partial satisfaction of a decree under Section 255 of the Code, although such certificate may declare that the decree-holder has received a smaller sum or a thing of less value in discharge of a larger sum due under the decree or in complete discharge of the decree.

Petition certifying full or partial satisfaction of decree not to be stamped.

"343. Applications by auction purchasers for issue of sale certificates are not chargeable with Court fees.

Application for sale certificate not to be taxed.

"344. The following applications are exempted from the payment of Court fees:—

Other applications exempted from Court fee.

(1) Applications made by persons, not being parties to the suit, for the return of documents and other articles produced by them in pursuance of an order of the Court.

(2) Applications made or petitions presented by persons in respect of stolen property or other articles entrusted to them by the Court for safe custody as third party. (a)

(3) Applications to Civil Courts for the issue of chalans and cheques. (b)

(a) Government Notification dated 5th January 1915—See *Infra.*

(b) Government Notification dated 27th July 1915—See *Infra.*

"345. When single stamps, either impressed or adhesive, of the exact value required are available, such stamps alone shall be used. When such stamps are not available, two or more stamps (the stamp paper of a higher denomination being always placed before one of a lower denomination) may be used to make up the exact amount of fee chargeable in respect of any document, in which case a portion of such document shall be written on each sheet so used; provided, however, that, under such circumstances, no stamp of a lower denomination shall be used so long as one of a higher denomination is available. When one or more impressed sheets used to denote a fee are found insufficient to admit of the entire document being written thereon, so much plain foolscap paper may be subjoined thereto as may be necessary for the complete writing of such document; provided that, in every such case the impressed sheet or sheets must be covered by a substantial part of the document before any part of the latter can be written on the plain paper used; provided further, that the writing on the impressed sheets and on the plain paper shall be attested by the signature of the person or persons signing the document. Adhesive labels shall, when used, be fixed on either of or both the sides of the bicoloured impression, on the first page.

How the stamp value should be made up.

"346. Refunds of Court and process fees and Registration fee shall be made by the Court issuing to the party concerned a refund order or bill on the local Treasury for the amount of the fee to be repaid.

Refund of Court fee and Registration fee.

"347. The head ministerial Officer of each Court and the head of each Department and office, or such Officer as the Court or the head may, from time to time, appoint in writing shall, on receiving any document bearing a Court fee stamp, forthwith cancel the stamp, by punching out the figure-head (shank) so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

Cancellation of stamps by head ministerial Officer.

"348. As regards adhesive labels, in addition to the punching as aforesaid, which is applicable to all Court fee stamps whether impressed or adhesive, the record keeper of every Court and office shall, when the record is consigned to his custody, punch a second hole in each label distinct from the first, and shall note the date of doing so, at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

Second punching.

"349. It is the duty of every Officer to whom a document liable to stamp duty under the Court Fees Regulation is submitted for orders to see that any adhesive stamps thereon have been properly punched. The responsible ministerial Officer submitting papers for orders shall see that all adhesive stamps therein contained

Duty of ministerial Officer.

have been punched and defaced as directed by the Rules, and any ministerial Officer submitting a document bearing an unpunched adhesive stamp shall be required to pay the value of the stamp."

[See also Civil Courts' Guide—
Rule **293.** *re* Court fee valuation of appeal.
" **300.** *re* Fees for service of notice.
" **448.** *re* Fee for adjournment.
and the Rules of the Guide extracted and appended to the Jenmi and Kudiyan, the Guardians and Wards, and the Land Acquisition Regulations.]

II. GOVERNMENT NOTIFICATIONS.

(1)

(No. J. 1087, dated the 30th January 1913.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that the Government have been pleased to wholly remit the fee payable under para 2 of Clause (*b*) of Article I of Schedule II of the said Regulation, on applications presented to a Division Peishkar for refund of the value of stamp paper which has become spoiled or unfit for use, or is no longer required for use, and on applications for the renewal of stamped paper which has become spoiled or unfit for use.

The Government have also been pleased to reduce to two chuckrams, the fee of two rupees payable under Clause (*c*) of Article I of the said Schedule, on applications to the Dewan for licenses or duplicates granted or renewed under the Travancore Arms Rules dated the 29th January 1912, for the import of ammunition in reasonable quantities required *bona fide* for purposes of sport or protection.—*T. G. G. dated 18-2-1913, Pt. I, P. 342.*

(2)

(No. S. R. 879, dated the 22nd April 1914.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that the Government have been pleased to exempt, from the operation of Article I of Schedule II of the Regulation, applications presented to the Excise Department by the arrack supply contractors of the State for the issue of arrack from the distillery to the ware-houses.—*T. G. G., dated 28-4-1914, Pt. I, P. 1929.*

(3)

(No. J. 3432, dated the 31st October 1914.)

Under Section 22 of Regulation VI of 1087, it is hereby notified that applications made by the Officers of the British Indian Postal Department in their official capacity, for copies or translations of the judgments of the Criminal Courts

n c ases in which Postal Officers are concerned, or for copies of connected records, are exempted from the payment of the Court fees due under Part I (*a*) of Schedule II of the said Regulation.— *T. G. G., dated 3-11-1914, Pt. I, P. 3867.*

(4)

(*No. 10718/L. R., dated the 31st October 1914.*)

It is hereby notified that applications for the removal, from Government forests, of green manure and timber for agricultural implements, are exempted from Court fees leviable under Schedule II of the Court Fees Regulation, VI of 1087.— *T. G. G., dated 10-11-1914, Pt. I, P. 3891.*

(5)

(*No. J. 654, dated the 25th January 1915.*)

Under Section 22 of Regulation VI of 1087, it is hereby notified that the following applications and petitions are exempted from the payment of Court fees leviable under the said Regulation :—

(1) Applications made by persons, not being parties to the suit, for the return of documents and other articles produced by them in pursuance of an order of the Court ;

(2) applications made or petitions presented by persons, in respect of stolen property or other articles entrusted to them by the Court for safe custody as third party ;

(3) applications made by acquitted accused for the return of articles taken from their possession ;

(4) petitions informing a Magistrate that a cognizable offence is about to be committed ; and

(5) compromise petitions in Criminal cases. [*Vide* Notification No. 11 *Infra.*]— *T. G. G., dated 2-2-1915, Pt. I, P. 369.*

(6)

(*No. 961/F. M. R., dated the 21st March 1915.*)

It is hereby notified that applications for free passes for the removal of timber and other produce from registered holdings, under the Forest Rules, are exempted from Court Fees leviable under Schedule II of the Court Fees Regulation, VI of 1087.— *T. G. G., dated 30-3-1915, Pt. IV, Forest Dept., P. 387.*

(7)

(*No. J. 5391, dated the 27th July 1915.*)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that applications to the Civil Courts for the issue of chellans and cheques

are exempted from the payment of Court fees leviable under the said Regulation.—
T. G. G., dated 3-8-1915, Pt. I, P. 1319.

(8)

(No. J. 5979, dated the 27th July 1916.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that all applications made by Departmental Officers for copies of records for Government purposes are exempted from the payment of Court fees under the said Regulation, whether it is a Civil, Revenue or Criminal Court to which application is made in each case.— *T. G. G., dated 1-8-1916, Pt. I, P. 779.*

(9)

(No. J. 7211, dated the 15th July 1918.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is notified that all documents produced in evidence by the Police in Criminal Courts are exempted from the payment of Court fees under the said Regulation.—
T. G. G., dated 23-7-1918, Pt. I, P. 798.

(10)

(Dis. No. 301 of 1921/D/S. R., dated the 16th April 1921.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that the Government have been pleased to exempt from the operation of Article I of Schedule II of the Regulation, applications presented to the Excise Department by the arrack supply contractors of the State or their agents for the issue of arrack from one ware-house to another.—
T. G. G., dated 26-4-1921, Pt. IV, Excise Dept., P. 113.

(11)

(D. Dis. No. 1551/Judl., dated 8th August 1921.)

It is hereby notified that a fee of (14) fourteen chuckrams will be imposed on compromise petitions in Criminal cases, as per Schedule II of the Court Fees Regulation, VI of 1087, with effect from the 1st Chingom 1097.—
T. G. G., dated 9-8-1921, Pt. IV, Judl. Dept. P. 247.

(12)

(R, Dis. No. 2755/Judl., dated 10th December 1921.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that Government remit the fees chargeable under Articles 6, 7 and 9 of Schedule I on copies furnished by Civil or Criminal Courts or Revenue Courts or Offices for the private use of persons applying for them; provided that the

exemption shall not apply to copies when filed, exhibited or recorded in any Court of Justice or received by any Public Officer.—

T. G. G., dated 20-12-1921, Pt. IV, Judl. Dept., P. 420.

(13)

(R Dis. No. 1304/Judl., dated 3rd June 1922.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that applications for loans up to Rs. (200) two hundred under the Land Improvement and Agricultural Loans Rules, are exempted from the payment of Court fees leviable under the said Regulation.—

T. G. G., dated 13-6-1922, Pt. IV, Judl. Dept., P. 240.

(14)

(R. O. C. No. 1219/Rev. dated 7th March 1923.)

Under sanction of His Highness the Maha Raja, it is hereby notified that applications, petitions and memorandum of appeals, described below, shall be liable to the payment of the Court Fees specified against each :—

Nature of application, petition or memorandum of appeal.	Clause under which it falls.	Amount of Court fee chargeable.
1. Application or petition presented to the Land Revenue Commissioner, or to the Division Peishkars or the Commissioner, Devicolam, or to the Tahsildar of a Taluk, under any Rules issued under Section 7 of the Government Land Assignment Regulation, III of 1097.	Paragraph 2, Clause (*b*) of Article I of Schedule II of the Court Fees Regulation, VI of 1087.	Half-rupee.
2. Application or petition presented to Government under the Rules issued under Section 7 of the Government Land Assignment Regulation, III of 1097.	Clause (*c*) of Article I of Schedule II of the same Regulation.	Two rupees.
3. Memorandum of appeal presented to the Land Revenue Commissioner, or to the Division Peishkars, or the Commissioner, Devicolam, under the Rules issued under Section 7 of the Government Land Assignment Regulation, III of 1097.	Clause (*a*) of Article VI of Schedule II of the same Regulation.	Half-rupee.
4. Memorandum of appeal or Revision petition presented to Government under the Rules issued under Section 7 of the Government Land Assignment Regulation III of 1097.	Clause (*b*) of Article VI of Schedule II of the same Regulation.	Two rupees.

T. G. G., dated 13-3-1923, Pt. IV, L. R. Dept., P. 1432.

(15)

(Dis. No. 1493 / Rev., dated 14th November 1923.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that applications made to any Officers of the Land Revenue Department or to Government by any Co-operative Society Registered under Regulation X of 1089, for the assignment of Government lands under any Rules issued under Section 7 of the Land Assignment Regulation, III of 1097, are exempted from the payment of Court fees leviable under Schedule II of the Court Fees Regulation.— *T. G. G., dated 27-11-1923, Pt. IV, L. R. Dept., P. 172.*

---

(16)

(R Dis. No. 1/ Legis. dated 4th January 1926.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that applications made to the Government under Section 33 of the Travancore Ezhava Regulation, III of 1100, are exempted from the payment of Court fees under the Court Fees Regulation.—

T. G. G., dated 5-1-1926, Pt. II, Legis. Dept., P. 85.

---

(17)

(R. O. C., No. 4268 / Legis. dated 7th June 1926.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that Government have been pleased to exempt, from the operation of Article 1 (c) of Schedule II of the said Regulation, applications from printers or publishers of Newspapers for the grant of any license under the Travancore Newspapers Regulation, V of 1101.— *T. G. G., dated 8-6-1926, Legis., Dept., P. 172.*

---

(18)

(Dis. No. 1777 / Rev., dated 2nd December 1926.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified, with the sanction of Her Highness the Maha Rani Regent, that applications for the assignment of Government lands made to any Officers of the Land Revenue Department or to the Government by members of the communities declared as depressed classes under Rule 24 of the Puduval Rules issued under Section 7 of the Land Assignment Regulation, III of 1097, are exempted from the payment of Court Fees leviable under Schedule II of the Court Fees Regulation.—

T. G. G. dated 7-12-1926, Pt. I, Pp. 178-179.

---

(19)

(No. 346/Rev., dated 26th March 1927.)

It is hereby notified for general information that applications from recruits and other soldiers of the Indian Army for registry of lands under the special Rules dated the 28th January 1918 need not be stamped with Court fees under the Court Fees Regulation, VI of 1087. The applications from them which have been rejected in the past on the above ground by the Revenue authorities have been ordered to be restored to their file and disposed of expeditiously.—

T. G. G., dated 29-3-1927, Pt. I. P. 565.

(20)

(No. J. 7989, dated the 3rd October 1913.)

Under Section 22 of the Court Fees Regulation, VI of 1087, it is hereby notified that the Government have been pleased to direct that the fees chargeable under Article I of Schedule I of the Regulation, on appeals from orders under Clause (*b*) of Section 238 of the Code of Civil Procedure (Regulation II of 1065), be limited to the amounts chargeable under Article VI of Schedule II, with effect from the 1st Edavom 1087.— *T. G. G., dated 7-10-1913, Pt. I, P. 1698.*

(21)

(No. Fl. 1143/234, dated 12th July 1923.)

Under Sanction of His Highness the Maha Raja, it is hereby notified that impressed Court fee stamp-papers of the denominations from Re. 1 to Re. 10 and labels of a new design for the ½ Re. denomination will be introduced with effect from the 1st Chingom 1099, in lieu of the present labels from Re. ½ to Rs. 10. The new labels of the ½ Re. denomination are larger in size than the present labels and provide space for the signature of the vendor and for entering the name of the purchaser and the serial No. of the sales. ½ Re. labels without the above entries should not be used from 1st Chingom 1099. The old labels from Re. ½ to Rs. 10 will cease to be in use from that date.—

T. G. G., dated 24-7-1923. Pt. I, P. 971.

(22)

(No. Fl. 320/68, dated 17th February 1922.)

It is hereby notified that, from 1st Chingom 1098, General and Court fee stamp above the value of Rs. 35 will be sold to the public direct from all the Treasuries of the State, stamps of Rs. 35 and below being sold by the licensed stamp vendors.— *T. G. G., dated 7-3-1922, Pt. I, P. 149.*

PROCLAMATION (a)

By His Highness the Maha Raja of Travancore, issued under date the 22nd Meenom 1087 corresponding with the 3rd April 1912.

Whereas it is deemed expedient to introduce new half and quarter rupee and fanam silver Sirkar coins, and call in the silver half and quarter rupee and fanam Sirkar coins now in circulation; We are hereby pleased to command as follows :—

1. The half and quarter rupee and fanam silver Sirkar coins struck in Our Mint and now in circulation shall cease to be current legal tender coins in Our State from and after the fifteenth day of Medom 1087 and they shall not be received in any of the Sirkar Treasuries or by any public servant on account of the Sirkar on and from such day.

2. All persons shall, on presentation of the half and quarter rupee and fanam silver Sirkar coins, issued from Our Mint and now in circulation, to any of the Major Treasuries or Sub-Treasuries of Our State on or before the thirty-first day of Edavom 1087, be paid, in full, the face-value of the same in other current coins. But such coins as are found to be counterfeit shall be cut and returned to the persons presenting or tendering them.

3. Any person failing to present or tender the half and quarter rupee and fanam silver Sirkar coins issued from Our Mint and now in circulation and exchange the same in other coins on or before the thirty first day of Edavom 1087, as prescribed in Section 2, shall not be entitled to realise their face value from the Sirkar after the said date.

4. The new half and quarter rupee and the fanam silver Sirkar coins shall become legal tender coins on and from the fifteenth day of Medom 1087.

5. These *new* coins will have milled edges, and the new half and quarter rupees will have, in addition, the letters " R" & " V" in relief opposite to each other on the milled edges.

(a) (1) The Proclamation was published in the Gazette dated 9th April 1912.

(2) The reasons which led to the issue of the Proclamation were thus explained in the State Report :—

"273. Early in the year under report, the Sirkar silver coins, especially the *fanam* coins, failed to circulate freely among the public of Trivandrum, and later on in the other parts of the State. The causes were as follow. The *fanam* coins were first introduced in the year 1036 M. E., the design being a crescent and a few dots above it on one side and the words "fanam one" with the year

6. The half rupee coin will bear, on the obverse, the mark of a shank, encircled with two vine creepers knotted together at the bottom, but not joined at the top. The names "തിരുവിതാംകൂർ" and "അര രൂപാ" in Malayalam will appear around the creepers with two symmetrically situated star marks dividing the words. The reverse will bear the words "Half Rupee" and the year of minting of the coin, *viz.*, "1087" or any subsequent year, in English encircled by the vine creepers as above and also the words "Rama Varma" and "Travancore" in English, with two star marks between them symmetrically situated. Both on the obverse as well as the reverse, there will be a circle of dots all around the edge.

7. The quarter rupee coin will have, on its obverse, the impression of a shank encircled by two vine creepers, knotted at the bottom, but not joined at the top, with the words "തിരുവിതാംകൂർ കാൽരൂപാ" in Malayalam around the creepers and a star at foot of the shank but outside the creepers. The reverse will show the words "¼ Rupee" and the year of minting of the coin, *viz.*, "1087" or any subsequent year in English, encircled by the vine creepers as above, and outside the creepers will appear the words "Rama Varma" and "Travancore" in English, divided by two star marks, situated symmetrically. This coin also will have, both on the obverse as well as the reverse, as in the case of the half rupee, a circle of dots all around the edge.

8. The fanam coin will also have, on its obverse, the impression of a shank with a circle round it ; and outside both, two vine creepers, knotted at the bottom but not joined at the top. These creepers will be again encircled by dots. The reverse will bear the words "Fanam one" and "പണം ഒന്ന്" divided by two star marks, symmetrically situated and encircled by dots. In the centre is the monogram, encircled by dots and with the year of coinage, *viz.*, "1087" or any subsequent year, in English, below the monogram and in line with the circular dots.

1036 on the other side. In the year 1044, *fanam* coins of a different description were minted and brought into circulation, the device for this coin being "R. V." on one side and a crescent with flower all round on the other. Again, in the year 1077, a coin entirely different from the above two kinds, with a shank on one side and a monogram with the letters R. V. specifying the face value of the coin on the other, was issued. Of this latter, some coins bore the words "one fanam," while others bore the words "fanam one." During the last fifty years, though *fanams* of four different kinds were minted and put into circulation, no action was taken to withdraw any of the coins

9. It is hereby further declared that on, from and after the fifteenth Medam 1087, the public may obtain these new coins from Our Sirkar Treasuries and use them as current legal tender coins in their dealings with one another and for payments into the Sirkar Treasuries for monies due.

---

already in existence. The public had no clear idea of the different kinds of the *fanam* coin in existence. Side by side with the *fanam*, the silver half and quarter rupee also had been introduced from the year 1064. The designs on these coins too, as well as their make, were not such as to render imitation difficult. There is no Coinage law in Travancore. The Darbar treasuries dealing with the different kinds of Sirkar silver coins had been apathetic to a degree, and there were no rules for the cutting and returning of counterfeit coins till the introduction of the Treasury Manual in 1084 M. E. These circumstances, coupled with the fall in the price of silver, stimulated counterfeiting. The Police, also, were unfortunately inefficient in the matter. The *Murajapa n* ceremony, which commenced in the second quarter of the year, served as the immediate cause of the coin trouble. During the ceremony, a very large number of fanam pieces had to be given to the Nambudiri Brahmins, who threw them at once into the markets of Trivandrum. As some of the coins in circulation were found, on examination, to be spurious, the public began to hesitate to accept the coins, even the genuine ones. A panic ensued. The crisis was the fifth or sixth of the kind within the last 30 years. The question had never before received any careful study or investigation after the trouble was over. The result of a policy of applying a remedy when an evil had assumed formidable dimensions and leaving things alone the moment that comparative peace was obtained, has been that what is called a coin trouble has been occurring generally once in five or six years.

"274. On a full consideration of the situation, the Darbar found that the *first need was a large increase in the volume of the copper coins.* The people need the copper coins very much more than the silver ones. Also, the copper coins have been, so far, difficult to counterfeit; at any rate they do not pay counterfeiting. Arrangements were made during the year, for a *large* quantity of copper coins being minted and put into circulation, the issue of the (new) silver coins being limited to absolutely necessary quantities. Secondly, *all* the old silver coins were withdrawn by a Proclamation and the new silver coins were issued to take their place. The new coins (minted in Burmingham) are of a superior make and of a somewhat intricate workmanship, and counterfeiting is a much more difficult business with them than it has been in regard to the old silver coins. Thirdly, clear Rules regarding the Sirkar coins were published for the information and guidance of all Treasury Officers and the public, and clear provision was made for the cutting of counterfeit coins.

° ° °

"276. As there is no Coinage Regulation for Travancore, as in British India, steps are being taken to introduce a Regulation, on the lines of the British Indian Coinage Act.— *A. R., 1087.*

[The Coinage Proclamation proposed was issued in the year 1089.—See *Infra.*]

(3) Rules have been issued for the guidance of the Treasury Officers and the public.

REGULATION IX OF 1087.

RUBBER THEFTS PREVENTION REGULATION.

CONTENTS.

Preamble.

Sections.

1. (1) Short title.
   (2) Extent and commencement.
2. Definitions.
   "Rubber plant."
   "Rubber."
   "Wet rubber."
   "Licensed dealer."
   "Licensed premises."
   "Purchase."
3. Purchase of rubber by unlicensed person prohibited.
4. Power of Peishkar to issue license to deal in rubber
5. Power to refuse to issue license, &c.
6. Duty of licensed dealers in rubber to paint words "Licensed Dealer in Rubber" on licensed premises.
7. Provisions with regard to partners.
8. Offences.
9. Book to be kept by licensed dealer.
10. Inspection of licensed premises.
11. Responsibilities of partners.
12. Forwarding of proceedings, on conviction of licensed dealer, to the Peishkar.
13. Duty of licensed dealer to keep scales on licensed premises.
14. Discrepancy between weight of rubber in licensed premises and weight according to books.
15. Where inspecting Officer is refused admittance.
16. Possession of rubber or wet rubber reasonably suspected to have been stolen.

17. Compensation for false information or complaint. Recovery of the compensation.

18. Punishment for offences.

19. Power to frame Rules.

SCHEDULE. Form A.—License.

Form B.—Form prescribed by Section 9.

A Regulation to make special provision to prevent thefts of rubber and to repress and punish the offence of receiving or disposing of stolen rubber

Passed by His Highness the Maha Raja of Travancore, on the 12th June 1912 corresponding with the 30th Edavom 1087, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to make special provision to prevent thefts of rubber and to repress and punish the offence of receiving or disposing of stolen rubber in Travancore; It is hereby enacted as follows:—

Regn. IX of 1087 : I. *Objects and Reasons.* -(1) "1. Rubber is a very valuable commodity and one which can easily be stolen either from the factory or during transit to the coast, or in a raw state from the trees themselves.

2. It has already been proved in Ceylon that there is great necessity for such legislation.

3. Raw rubber as manufactured on the estate is absolutely of no use except for export, and, if stolen, cannot be made use of and can only be taken with the object of selling to some coast broker for export, and, for this reason, it is highly advisable that such brokers should be licensed and their dealings open to inspection, so that stolen rubber may be traced."—*S. O & R.*

(2) In introducing the Bill, the Official Member in charge said that "the rubber industry has come to stay in our country and a very large outlay of capital has been invested in rubber estates in Travancore. The present Bill aims to prevent rubber thieves from having their own way. The Bill is drawn more or less similar to the Madras Coffee-Stealing Act (No. VIII of 1878) which is in force in the coffee-growing Districts."— *L. C. P., dated 2-3-1911.*

(3) In presenting the Report of the Select Committee, the Member in charge said:—"The Bill originally prepared (by a Non-official Member) having been found deficient in several points, has been re-drafted by the Committee on the lines of the Rubber Thefts Prevention Ordinance of Ceylon, without altering the principle of the Bill already affirmed by the Council."— *L. C. P., dated 8-1-1912.*

II. Leave to introduce the Bill was granted on 30-11-1910 (*T. G. G., dated 13-12-1910*). The Bill was published on 7-2-1911, and introduced and referred to a Select Committee on 2-3-1911 (*T. G. G., dated 7-3-1911*). The Committee's Report was published on 24-10-1911, and was presented to,

Short title.

1. (1) This Regulation shall be called "The Rubber Thefts Prevention Regulation of 1087".

Extent and commencement.

(2) It extends to the whole of Travancore and shall come into force on the 1st Chingom 1088.

Definitions.

2. In this Regulation, unless the contrary intention appears,—

"Rubber plant" includes any of the following plants :—

(1) Hevea Brasiliensis (Para rubber),

(2) Manihot Glaziovii (Ceara rubber),

(3) Castilloa Elastica,

(4) Ficus Elastica (Rambong),

(5) any rubber-producing plant which Our Government, by Notification in the Government Gazette, may declare to be a rubber plant for the purposes of this Regulation :

"Rubber" includes marketable rubber prepared from the latex of any rubber plant, and the latex of any such plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into marketable rubber ; but "rubber" does not include any manufactured article wholly or partly made of rubber :

"Wet rubber" means the latex of any rubber plant, whether fluid or coagulated, in any stage of preparation before the completion of the drying process :

"Licensed dealer" means a person licensed to deal in rubber under this Regulation :

"Licensed premises" means the place where a licensed dealer is authorised to deal in rubber :

"Purchase" includes the taking of rubber in exchange for other goods or on account of any claim or indebtedness.

Purchase of rubber by unlicensed person prohibited.

3 From and after the commencement of this Regulation, it shall be unlawful for any person to purchase rubber, unless he has been licensed under this Regulation to deal in rubber, or has received from the Peishkar or

---

and considered by, the Council on 8-1-1912 (*T. G. G., dated 23-1-1912*). The Bill was finally read and passed on 28-5-1912 (*T. G. G., dated 4-6-1912*). The Regulation was published in the Gazette dated 18-6-1912.

other Officer in charge of the Revenue Division a permit authorising him to do so. Any person who purchases rubber without being so licensed, or without such permit, shall be guilty of an offence against this Regulation.

Power of Peishkar to issue license to deal in rubber.

4. (1) The Peishkar or other Officer in charge of the Revenue Division may issue, free of charge, licenses under his hand authorising the person to whom the same are granted to deal in rubber.

(2) Every such license may be in the Form marked A in the Schedule or in such other Form as Our Government may from time to time prescribe, and shall state the name and residence of the licensee and the premises at which he is authorised to deal in rubber.

(3) Every such license shall expire, unless it is determined otherwise, on the last day of Karkatakom next following the date when it was issued.

(4) The Peishkar or other Officer in charge of the Revenue Division may, in his discretion, issue permits in writing under his hand authorising the Superintendents or Assistant Superintendents for the time being of the estates therein named to purchase rubber.

Such permits shall remain in force until revoked by the Peishkar or other Officer in charge of the Revenue Division.

Power to refuse to issue license, &c.

5. (1) The Peishkar or other Officer in charge of the Revenue Division may, at his discretion, refuse to grant a license or permit to any applicant or to renew any license which has expired, and may revoke any license or permit already issued.

(2) Any person who is aggrieved by the refusal of the Peishkar or other Officer aforesaid to grant or renew a license, or to grant a permit, or by the revocation of a license or permit, may appeal to Our Dewan, who may confirm or reverse such refusal or revocation as may appear just.

(3) Any person who is found guilty of any offence under this Regulation shall be liable to have his license cancelled.

Duty of licensed dealers in rubber to paint words "Licensed Dealer in Rubber" on licensed premises.

6. Every licensed dealer shall cause the words "Licensed Dealer in Rubber" to be painted in conspicuous letters in the English, Malayalam and Tamil languages upon his licensed premises. Any licensed dealer who fails to comply with the provisions of this Section shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

Provisions with regard to partners.

7. (1) Two or more persons carrying on business in partnership shall not be obliged to obtain more than one license in respect of the same premises. A license to two or more persons shall not be determined by the death or retirement from business of any one or more of the partners.

(2) No license shall be assignable or shall authorise any person to deal in rubber by reason of his being executor or administrator of any person to whom such license has been granted.

Offences.

8. (1) It shall be unlawful—

(*a*) for any person to sell or to offer for sale or to deliver, or for any licensed dealer to purchase or to take delivery of, any rubber except between sunrise and sunset, or at any place other than licensed premises; or

(*b*) for any licensed dealer to purchase or to take delivery of rubber from any person who is not personally known to him, or from any person who, he knows or has reasonable grounds for believing, is under the age of twelve years, or from any estate labourer; or

(*c*) for any licensed dealer to purchase or take delivery of wet rubber from any person whatsoever.

(2) Any person who does any act in contravention of this Section shall be guilty of an offence against this Regulation.

Book to be kept by licensed dealer.

9 (1) Every licensed dealer shall keep on the premises at which he is authorised to deal in rubber, a book which shall be supplied to him by the Tahsildar of the Taluk, on payment of one rupee, and shall enter therein, immediately upon the delivery at his licensed premises of any rubber purchased by him, in the Form marked B in the Schedule hereto, or in such other Form as Our Government may prescribe, the following particulars, namely:—

(*a*) the day, month and year of such delivery;

(*b*) the weight of rubber delivered;

(*c*) the name and residence of the person from whom the rubber was purchased;

(*d*) the price paid for the rubber; and

(e) where the person from whom the rubber is purchased is not a licensed dealer, the description and situation of the lands of which such rubber is or is alleged to be the produce.

(2) Whenever any rubber which has not been purchased is brought into any licensed premises, whether the same is or is not the produce of land in the possession or occupation of the licensed dealer, the licensed dealer shall forthwith enter in the said book, or in such other Form as may be prescribed for the purpose, the following particulars with regard to such rubber, namely:—

(a) the day, month and year when the rubber was brought into the licensed premises;

(b) the weight of such rubber;

(c) the manner in which the rubber was acquired, and, if grown on land in the possession or occupation of the licensed dealer, the description and situation of such land.

(3) Whenever the licensed dealer removes any rubber from his licensed premises, whether the same has been acquired by purchase or otherwise, the licensed dealer shall forthwith enter in the said book the date when the same was removed, and the name and residence of the person to whom the same was delivered.

Inspection of licensed premises.

10. It shall be lawful for any Magistrate or for any Police-Officer not below the rank of an Inspector, or for any person authorised in writing by the Peishkar or other Officer in charge of the Revenue Division, to inspect licensed premises, to enter any licensed premises at any time between sunrise and sunset, and to call for, inspect, and take extracts from, any book required to be kept by this Regulation, and if the licensed dealer or any one on his behalf fails to produce any such book, or refuses to allow such extracts to be made, or if any entry which ought to have been made is not in such book, or if any entry in such book is false in any particular, such licensed dealer shall be guilty of an offence, unless he proves to the satisfaction of the Court that such entry was made without his knowledge or consent or through a *bona fide* mistake, and shall be liable to a fine not exceeding one hundred rupees, or to simple imprisonment which may extend to three months, or both.

11. When a license is granted under this Regulation to two or more persons carrying on business in partnership, every such person shall be liable for the acts and omissions of the other or others of them, unless the person held liable for the acts of his partner proves to the satisfaction of the Court that he is innocent and that he has in no way directly or indirectly contributed to the breach of the provisions of this Regulation with which his partner is charged.

Responsibilities of partners.

12. When any licensed dealer is convicted of an offence against this Regulation, the Magistrate shall forward a copy of the proceedings to the Peishkar or other Officer in charge of the Revenue Division for his information.

Forwarding of proceedings on conviction of licensed dealer to the Peishkar.

13. Every licensed dealer shall keep on his licensed premises scales capable of weighing up to one hundred pounds at the least, and whenever he is called upon to do so by any Officer authorised by Section 10 of this Regulation to inspect licensed premises, he shall forthwith weigh all the rubber on his premises and shall give every facility and assistance to such Officer to compare the weights of the stock of rubber upon such premises with the weights thereof as entered in the books which the licensed dealer is required by this Regulation to keep.

Duty of licensed dealer to keep scales on licensed premises.

14 Whenever the weight of rubber found on the premises of a licensed dealer does not agree with the weight which, according to his books, ought to be on such premises, he shall be deemed to be guilty of an offence against this Regulation : Provided that, if he satisfies the Peishkar or other Officer in charge of the Revenue Division that such discrepancy is due to natural causes, or has risen through some *bona fide* mistake or owing to some loss, the Peishkar or other Officer aforesaid may direct that no prosecution shall be instituted against the licensed dealer.

Discrepancy between weight of rubber in licensed premises and weight according to books.

15. A licensed dealer shall at any time between sunrise and sunset give admittance to any Officer who is authorised by Section 10 of this Regulation to inspect licensed premises, and if any such Officer is refused admittance to inspect the licensed premises or the dealer's books, the licensed dealer carrying on business in such premises shall be deemed to be guilty of an

Where inspecting Officer is refused admittance.

offence against this Regulation: Provided, however, that, if such Officer has reasonable grounds for believing that any offence has been committed upon the licensed premises against this Regulation, it shall be lawful for him to demand admittance and to inspect the same and the dealer's books though it be after sunset and before sunrise, and, unless he is admitted into the premises forthwith, the licensed dealer shall be guilty of an offence against this Regulation, and it shall be lawful for such Officer to break into the licensed premises.

Possession of rubber or wet rubber reasonably suspected to have been stolen.

16. (1) Any person who is found in possession or charge of any rubber or wet rubber which is suspected to have been stolen, may be charged with being in possession of rubber which is reasonably suspected of having been stolen, and if such person does not give an account to the satisfaction of the Magistrate as to how he came by such rubber or wet rubber and the Magistrate is satisfied that, having regard to all the circumstances of the case, there are reasonable grounds for suspecting such rubber or wet rubber to have been stolen, such person may be convicted of an offence under this Regulation

(2) Where any Police-Officer finds any person in possession or charge of rubber or wet rubber which he suspects to have been stolen, such rubber or wet rubber may be seized, and such person may be charged before a Magistrate as aforesaid.

(3) Upon a conviction under this Section, the Magistrate may direct the rubber or wet rubber in respect of which the accused was convicted, if the same has been seized, to be restored to any person who, he is satisfied, is the lawful owner thereof; otherwise, he shall order the same to be forfeited.

Compensation for false information or complaint.

17. If, in case instituted upon information or complaint of an offence against the last foregoing Section, a Magistrate acquits the accused, and is of opinion that the information given or complaint made was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the informant or complainant to pay to the accused, or to each of the accused where there are more than one, such compensation as the Magistrate thinks fit, provided that such compensation shall not in any case exceed one hundred rupees in the whole:

Provided that, before making any such direction, the Magistrate shall—

(a) record and consider any objection which the informant or complainant may urge against the making or the direction, and,

(b) if the Magistrate directs any compensation to be paid, state in writing, in his order of acquittal, his reasons for awarding the compensation.

The sum so awarded shall be recoverable as if it were a fine:

Recovery of the compensation.

Provided that, if it cannot be realised, the imprisonment to be awarded in lieu shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

An informant or complainant who has been ordered under the first para of this Section by a Magistrate to pay compensation to an accused person, may appeal from the order in so far as the order relates to the payment of the compensation, as if such informant or complainant had been convicted on a trial held by such Magistrate.

Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under the last preceding para, the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or if an appeal is presented, before the appeal has been decided.

At the time of awarding compensation in any subsequent Civil suit relating to the same matter, the Courts shall take into account any sum paid or recovered as compensation under this Section.

If, on appeal or revision, the Appellate or High Court sets aside the award of compensation, the amount of compensation (if any) paid under this Section to the accused, shall be recovered from him as if it were a fine and repaid to the complainant.

Punishment for offences.

18. Any person who is convicted of an offence against this Regulation for which no punishment is specially provided by this Regulation, shall be liable to simple imprisonment which may extend to six months, or to fine not exceeding two hundred rupees, or both.

19. It shall be lawful for Our Government from time to time to make Rules and to frame Forms for giving effect to the provisions of this Regulation.

Power to frame Rules.

SCHEDULE.

Form A.—License.

I hereby grant to ....a license to carry on the business of a dealer in rubber at......

This license expires on the last day of Audi 11..........

Dated this........day of . ...11.....

(Sd) Peishkar or other Officer in charge
of the Revenue Division.

Form B.—Form prescribed by Section 9.

Date when rubber is brought into premises.	Name and residence of person from whom purchased.	If not purchased, how acquired.	Description and situation of land in which rubber was grown.	Weight.	Price paid per lb.	How disposed of, whether sold and to whom.	Date of removal from licensed premises.
1	2	3	4	5	6	7	8

PROCLAMATION (a)

By His Highness the Maha Raja of Travancore issued under date the 9th Chingom 1088, corresponding with the 24th August 1912.

Whereas, by a Proclamation dated the 22nd day of Thulam 1051, corresponding to the 6th day of November 1875, the Christian Judge for the time being of the Sadr Court, being a European British subject, has been constituted and appointed the Special Appellate Judge in Travancore, to hear and dispose of appeals from the decisions and to revise the proceedings of Special Magistrates, and whereas subsequently, by Regulation II of 1057, the Sadr Court having been designated the High Court, the Christian Judge of the High Court, being a European British subject, has continued to exercise the functions of the said Special Appellate Judge, and whereas, by a subsequent Proclamation dated the 25th day of Kanni 1084, corresponding to the 10th day of October 1908, it has been enacted that, during the time that the Christian Judge of the High Court, invested with the powers of the Special Appellate Judge, is absent from the said High Court, any one or more of the Special Magistrates and Justices of the Peace that may be appointed by Us shall exercise the powers of the Special Appellate Judge, and whereas incovenience is caused by the said Special Appellate Judge having at present no power to transfer cases from the file of one Special Magistrate subordinate to him to that of another such Magistrate, and whereas it is deemed expedient to invest the said Special Appellate Judge with the power to transfer such cases; We are pleased to enact that the said Special Appellate Judge shall have power to transfer, for reasons to be recorded, any case, enquiry, trial or other proceeding, from the file of one Special Magistrate subordinate to him to that of another of such Special Magistrates.

(a) The Proclamation was published in the Gazette dated 3rd September 1912.

REGULATION III OF 1088.

THE SALT REGULATION.

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. Short title. 1
Commencement.
Extent.
2. Repeal of enactment 2
Saving of powers.
3. Interpretation-Clause 3
(a) "Salt Revenue." (j) "Salt factory."
(b) "Salt." (k) "Salt-work."
(c) "Saline substance." (l) "Contraband salt."
(d) "Salt-earth." (m) "Licensee."
(e) "Manufacture." (n) "Maund."
(f) "Range." (o) "Place."
(g) "Circle." (p) "Import."
(h) "Excise Inspector." (q) "Export."
(i) "Circle Officer." (r) "Transport."

CHAPTER II.

The Appointment of Officers.

4. Appointment of Officers for the administration of the Department 4, 5
(a) Excise Commissioner.
(b) Assistant Excise Commissioners, Circle Officers and Inspectors.
(c) Other Officers.
(d) Delegation of the powers of the Government.
(e) Withdrawal of powers.
5. Delegation of powers by the Excise Commissioner ... 7

The figures on the right refer to the corresponding Sections of the Madras Salt Act, IV of 1889.

CHAPTER III.

The Manufacture of Salt

Part I.—*General.*

Sections.

6. Manufacture without license illegal 8
7. Excise Commissioner may grant, alter or cancel licenses ... 9
8. Three descriptions of licenses 10
9. Transfer and relinquishment of licenses. 11
10. Licensee to be taken to be owner of license and salt-works ... 12
11. Power to establish and close factories 13
12. Power to change either system of manufacture ... 14
13. Notice to be given of intention to change 15
Power to recall licenses and issue new ones.
14. Government to dispose of salt-works for which licenses have been relinquished or cancelled 16
(*a*) Procedure where salt-works are retained within thefactory.
(*b*) Procedure where they are not retained.
15. Treatment of works pending disposal in the case of dispute or of suspension of license 17
16. Rates of compensation 18
17. Power to destroy salt 19
18. Power to erect guard sheds 20

Part II.—*The Manufacture of Salt for Sale to the Government.*

19. To what factories provisions of Part apply 21
20. Excise Commissioner to determine quantity of salt to be manufactured and to pay for all salt manufactured ... 22
21. Obligations and duties of licensees 23
22. Power to enforce performance of obligations by licensees ... 24
23. Penalty for want of due diligence or default by licensee ... 25

Part III.—*The Manufacture of Salt for general Sale, and partly for general Sale and partly for Sale to the Government.*

24. To what factories provisions of Part apply 26
25. Power to cancel license on failure to manufacture ... 27
26. Removal of salt from closed factory 28
27. Salt to be protected, re-heaped and secured, and storage works constructed 29
28. Refuse salt to be stored or destroyed 30
29. Licensees to construct and maintain in good order roads, channels, reservoirs, &c. 31
30. When works may be undertaken by the Salt Department ... 32
31. Applicants for permit to remove salt legally bound to state price 33

Sections.

32. Liability of Government for loss or damage to salt in a factory 34

CHAPTER IV.

Removal of Salt and Payment of Duty and Charges.

33. Power of Government—
    (a) to impose duty on manufacture of salt;
    (b) to increase, reduce or remit duty;
    (c) to fix minimum price of salt excavated, &c., by Government.
34. Imports and exports to be by prescribed routes only.
35. Salt not removable from factory except under permit and on payment of duty and other charges 43
36. Weighment of salt removed 44
37. Establishment of preventive stations 45

CHAPTER V.

The Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law.

38. Magistrate may issue search-warrant on information ... 46
39. When Officer of the Excise or other Department may search without warrants. Procedure to be observed ... 47
40. Search by head of village 48
41. When offenders may be arrested, and anything liable to confiscation seized, without warrant 49
42. Persons refusing to give name and residence or giving false ones may be arrested 50
43. Procedure in case of search 51
44. Report of search or seizure 52
45. Arrested person how to be dealt with 53
46. Procedure by Police-station Officer 54
47. Procedure by Excise Inspector 55
    Procedure by superior Officer
48. Bond of sureties and accused 56
49. Procedure on breach of bond for appearance ... 57
50. Excise Inspector may summon suspected persons ... 58
51. Excise Officers may summon witnesses 59
52. Terms of summons 60
53. Examination of witnesses summoned by Excise Officers ... 61
54. Examination of witnesses whose attendance is dispensed with ... 62
55. Persons summoned merely to produce documents ... 63

Sections.

56. Report of Excise Inspector to Magistrate 64
57. Power of Excise Inspector to cause attendance of witnesses ... 65
58. Accused not to be detained in custody for a longer period than 24 hours without special authority 66
59. Custody of things seized under the Regulation ... 67
60. Officers of Excise and other Departments to assist each other ... 68
61. Prevention of and information regarding offences ... 69
62. Land-holders and others to report manufacture of contra-band salt 70
63. Provisions regarding confiscation of things liable thereto ... 71
64. Disposal of things seized 72
65. Power to cancel and suspend licenses 73

CHAPTER VI.

Penalties.

66. Penalties for removal of salt without or in excess of permits, &c. ... 74
67. Penalty for act or omission in contravention of Section 36, or of Clauses (*c*), (*d*) and (*f*) of Section 77 or of any permit ... 75
68. Penalty for vexatious abuse of power by Officer of Excise or other Department 76
69. Penalty for vexatious delay by Officer of Excise or other Department 77
70. Penalty for Excise Officer refusing to do duty or using violence to person in custody 78
71. What things liable to confiscation 79

CHAPTER VII.

General Provisions.

72. Publication of Rules and Notifications 80
73. Mode of conferring powers 81
74. Service of summons, &c. 82
75. Presumption as to possession 83
76. Recovery of sums due to Government 84
77. Power to make Rules 85, 85-A
78. Appeals against orders 86
79. Limitation 87
80. Power of superior Officers of the Excise Department,

A Regulation to consolidate and amend the law relating to the Salt Revenue and to provide for the improvement and expansion of Salt Manufacture in Travancore

Passed by His Highness the Maha Raja of Travancore, on the 5th December 1912 corresponding with the 20th Vrischikom 1088, under Section 13 of Regulation V of 1073.

Preamble. Whereas it is expedient to consolidate and amend the law relating to the Salt Revenue and to provide for the improvement and expansion of salt manufacture in Travancore; We are pleased to enact as follows :—

Regn. III of 1088 : I. *Objects and Reasons.*—(1) "Regulation VII of 1063 is the law in force on the subject of salt in Travancore. It contains no provision for the working of the Excise system. Nor does it provide for certain necessary rights and obligations which are so essential for the expansion and improvement of salt manufacture. In fact it relates to the period when salt manufacture was a close monopoly which, it is seen, was introduced into Travancore as far back as 1813, during the administration of Dewan-Regent Col. Munro.

"At one time of the pre-monopoly period, evidently the entire salt needed for consumption in Travancore was supplied by our own pans which existed not only at certain sea-side stations as at present called *Ullums*, but on the margin of the back-waters in Trivandrum, Chirayinkil, Karthikapally and Karunagapally Taluks, known as *Padanays*. Through some cause or other, the quality and quantity of salt manufactured in these places fell below the standard. Local salt had not only to be supplemented but got supplanted in public taste, by imported salt. After the Interportal Convention passed in 1040, equalising the duty on salt in Travancore and British India, the continued manufacture of inferior salt was unfair to the consumer who had to pay as much for the bad as for the good. This led to the closing of the pans on the banks of the back-waters in Central Travancore. These restrictions on manufacture and sale had of course to be legalized and enforced by penal legislation and the province of home-salt in the local market has been, on the whole, gradually decreasing.

Although the restoration of the old system of permitting people to freely manufacture salt and of realizing salt-tax like land revenue cannot now be attempted, a stimulus to the improvement and expansion of salt manufacture has been given by the recent introduction of the Excise system. This system has been in force for some time in British India; and since the passing of our Salt Regulation in 1063, the law there has been considerably modified to suit that system. The Bill now drafted follows the lines of Madras Act IV of 1889. It will be seen that while several of the provisions relate to the safe-guarding of the public revenue, the duty of improving the quality and quantity of home-salt by creating through Legislative sanction a responsibility in the Officers and in the people, and of taking steps to improve the demand, has not been overlooked."— *S. O & R.*

(2) In introducing the Bill, the Official Member in charge said:—

"* * * The history of salt in Travancore being pretty well known, there is no need to refer to details at any length. But

as this is the first time that a Salt Bill comes before the Legislative Council, the old Regulation having been passed before the Council came into existence, a very brief survey may not be out of place.

In addition to the present sea-side factories or alloms, salt used to be manufactured in Travancore, on the margin of the backwaters in the Trivandrum, Ambalapuzha, Kartikapally, and Karunagapally Taluks, and the wants of the people thus supplied. In all these factories, the cultivation of salt was at that time free and unrestricted and subject to but one fiscal regulation—namely, that the salt produced should be divided between the Government and the ryot in the same manner as the paddy grown on rice lands.

From the report of the Madras Salt Commission, we find that, in the Madras Presidency too, the salt produce was divided between the Government and the manufacturers according to customary rates which appear to have varied from 18 to 88 per cent. Beyond this liability to payment, the production or manufacture and distribution or sale, of salt were, as in Travancore, both free and unrestricted.

Between the years 1805 and 1807, the MadrasGovernment introduced the monopoly system throughout the Presidency. The main principle of the monopoly system is, to use the words of the Salt Commission, "expressed in its name; the sale of salt except to Government is made illegal. But not only so; Government also reserves to itself the power of opening salt pans, and the manufacture of salt except for sale to Government is forbidden." Madras Regulation I of 1805 which is the law on which the monopoly is based, enacted in Sec. 4 that the shares to manufacturers and the hire to labourers were to be paid at the same rates as before, unless altered by mutual consent, but converted into money at the average selling price of salt at the pans, calculated on the five years preceding the date of the Regulation. It further provided for advances being made to the manufacturers to help and encourage production.

Before the establishment of the monopoly system in British India, there appears to have been considerable discussion. But from want of available papers, we can only infer the grounds for placing salt manufacture under special regulation and monopolizing its sale. It was probably found that the earth salt prepared by the people was not all sufficiently pure, that taking over the right of sale would enhance public revenue, and that it would facilitate collection and ensure effective control, if the manufacture is brought under a licensed system of regulation. However, the selling price of salt under the monopoly in British India became seven times the intrinsic value and revenue rose from 20 lakhs in 1804—05 to 187 lakhs in 1874—75.

But all this affected Travancore. With the extensive land communication between Travancore and the Madras Districts and with the price of a necessary article of food much higher in the latter than in the former, the export of salt from Travancore naturally increased. And when in British India, the manufacture and sale of salt, except on account of Government, had been abolished, the export amounted to smuggling. But to the people who so manufactured and traded, it was but the harmless continuance of their old practice. It became difficult to get information about smuggling and smugglers; and as the Ag. Collector of Ganjam reported to his Government in 1872, 'the whole country makes common cause against the Government in such a case. As for moral turpitude, that enters as little into their calculation as it would to an ordinary Englishman who does not class smuggling among the seven deadly sins * *. Such manufacture was in accordance with their previous (normal) habits.'

Mainly to prevent loss of revenue to the British Indian Government on account of cheap Travancore salt finding its way into their territory, the monopoly system was introduced into Travancore. This was in the

year 983 M. E. (1813 A. D.). By a Proclamation signed by Col. Munro who was then both Resident and Dewan 'all manufacture by the ryots except on Government account, was prohibited, and all salt in the hands of the ryots and merchants and traders at the date of the Notification was required to be given up to the Sirkar within 20 days at a fixed price, on pain of a heavy penalty'. The monopoly price was fixed and the necessary arrangements made for the superintendence of salt manufacture and for placing salt within easy reach of the people. Steps were also taken to import salt from abroad.

The next important event in the salt policy of the State was the Interportal Convention of 1040, corresponding to the English year 1865, under which the adoption of the British Indian selling price of salt was agreed to by this State. 'As a result of this Convention', says the Salt Memorandum of Dewan Mr. Rama Aiyengar, 'the salt pans on the banks of the backwaters in Central Travancore had to be closed. The produce of these pans, as has been already observed, was an inferior article ; and the disparity in the selling price of this and other kinds was so great that to sell it at the same high price at which, under the Convention, the superior country article was sold, would have been a great injustice to the consumer.'

Nothing noteworthy happened for a long period except that one of the factories, namely, Colachel, was closed for some time and afterwards reopened. But during all this period, the possibility of being able to restore home salt to its ancient position of supplier to the entire population seemed very remote.

A turning point in the history of salt manufacture was reached when a new factory was opened on private account and the manufacture of the salt of the requisite quality undertaken by a company in South Travancore. 120 acres of land near the Thamarakulom old factory were applied for and granted by Government and work started in M. E. 1079. * * *

In this factory, I understand, an average total quantity of 86,323 maunds of good salt is now being manufactured. Government incur no loss except for a preventive staff. Under the agreement with the manufacturers, Government have the right to purchase a stipulated quantity of salt on payment of a certain settled rate of *Kudivaram* (cost price to the producer) and sell it to the public, as in the case of the old factories, or, to levy a duty at the time of issue, leaving the sale in the hands of the producers. Although two more factories of this kind have since commenced salt manufacture—the new factory salt amounting to a total of 88,384 maunds in 1085—Government are, in the intersts of the producers, retaining the responsibility of distribution in their own hands.

It is by no means agreed that the partiality shown in some quarters for Bombay salt in preference even to the best Travancore salt is based on the actual superiority of the preferred article and not on engrafted taste. Where intrinsic inferiority does not exist to relax the demands of self-dependence, there is no excuse for not pushing on home-salt to the fullest extent of its production. And until the partiality created by habit as against our home-produce works itself off, home-salt will not have a fair competition with the Bombay article and the work of salt distribution has, therefore, to continue under the control of Government.

This state of affairs cannot of course go on indefinitely. But if it should safely end, the salt manufactured in the old factories must be improved to the level of the new factory salt. In these old factories, all but petty works connected with the actual manufacture are now undertaken by Government at their cost. Government have also undertaken to purchase all the salt so manufactured subject to certain standards of

quality, at a fixed rate of *Kudivaram* and to sell it as part of their (Government's) concern. During the pre-monopoly period, the salt manufacturer was responsible for getting a sale for the article he manufactured though he was at the same time sufficiently compensated probably by the greater freedom of initiative enjoyed in manufacture, etc. But the freeing of the salt producer from the responsibility of finding buyers for his produce, which is the effect of the monopoly system, has apparently tended to demoralize him. He has now begun to care for quantity more than for quality. When questioned why he does not adopt better methods and improve the quality of his salt, he often pleads inability on account of low *Kudivaram*, etc., The Excise Commissioner tells me that experimental manufacture on improved methods carried out by his staff for two years in a few pans of all the old factories, leased from the pan-holders for the purpose, produced results strikingly superior to those usually obtained. There is, one should think, no excuse for this not being achieved in all the pans. Whether the omission to do so is due to inability or unwillingness on the part of the ryots has to be enquired into with reference to each case and the necessary remedies applied. For the present, it is proposed to take power to convert these monopoly factories into excise factories, *i. e.*, factories for the manufacture of salt for general sale. Such a conversion will enable Government to leave the manufacturer to sell his salt himself as best as he can and to that extent take away the temptation to continue inferior production and to provide an incentive to turn out better results. Of course, under this system, all the Marahmat works hitherto done for them at Government cost will have to be undertaken by themselves. But in the case of the other new factories, Government will have the right to take into their own hands the sale of the manufactured produce, whenever and as long as, they think it necessary to do so, for the legitimate protection and advancement of the home industry. The price to be paid by Government to the manufacturers will certainly be higher than now as a compensation for the cost and labour of attending to the necessary works themselves.

To enable this change of system being introduced into the old monopoly factories under legal sanction and to place the old as well as the new ones under statutory regulation, in regard to the methods of manufacture, etc., and thus improve and expand the salt industry in the country, is the chief object of the proposed enactment. Regulation VII of 1063 takes cognizance, it will be noted, only of factories worked purely on the monopoly system. The realization of the object indicated must, however, be a gradual process.

In the pre-monopoly period, salt preparation of various kinds was the function of particular castes and large numbers of people lived on these industries, without encroaching on other fields of labour and without fear of being encroached upon in their own labour by others, thus making the direct interference of Government, either for ensuring the purity of salt or for facilitating the collection of revenue, unnecessary. But we are now being forced along by the current of free selection in the matter of occupation. We do not recognise that the gospel of free selection is not quite in place in a society like the Indian where free selection has long ago done its work and heredity taken its place in the order of progressive evolution, and that this gospel began to be preached and practised only when, from various causes, the opportunities of the people for remunerative labour in their accustomed spheres became lessened. The result, however, has been that the salt manufacturers, in common with other industrial classes, have given up their traditional occupation and other occupational castes have taken to salt manufacture, and I may say in this connection that it is the endeavour of modern Census Statisticians to guage and record this process at the end of each decennium.

Just like the Upparas of the Ceded Districts, we have had our own hereditary salt workers called Allavans in South Travancore. Once a large and prosperous community, they numbered only 552 at the last population reckoning. But even from their hands, the manufacture of salt is gradually slipping; and where they are still engaged in that industry, the engagement is more as paid labourers than as independent proprietors. All these circumstances notwithstanding, the development of the salt resources of the State with the materials available has been steadily kept in view in all the policies and acts of Government; and with a special Department working hard to attain that consummation, there is no need to be unduly impatient.

Let us now examine the structure of the Bill.

The first chapter relates to definitions and the second deals with the appointment and control of officers.

Chapter III is the chapter that deals with the manufacture of salt. It is divided into three parts. The first is 'General'. The important provisions of this part are contained in Sections 12 to 16. As stated in my prefatory remarks, power is to be taken by Government to direct that any salt factory now worked only for the sale of salt to Government shall be worked for the general sale of salt, and that any factory or portion of a factory worked for the general sale of salt shall be worked for the sale of salt to Government. Safe-guards are also contained for preventing undue hardship to parties and compensation provided to be given in certain cases where licenses are relinquished or have to be cancelled. Part II relates to the manufacture of salt for sale to Government—the old monopoly system. Part III deals with the manufacture of salt for general sale—the excise system or partly for general sale and partly for sale to Government—the modified excise. The principles underlying the provisions of this chapter have been already explained. For the reason that 'the term *monopoly* has a sinister association connected with it and is a complete misnomer as applicable to the manufacture of salt on account of Government', the Honorable Mr. Stokes substituted the expression 'manufacture of salt on account of Government' in his Madras Salt Act. In the same way, the term excise was also given up as referring to salt, as it was becoming exclusively appropriated to the revenue from spirits and intoxicants, and the words manufacture for general sale suggested instead. Accepting these views, I have omitted the terms 'monopoly' and 'excise' from the Bill altogether.

Chapter IV is a fiscal chapter and regulates the duties and charges. It regulates also the removal and transport of salt.

Chapter V lays down the powers of public officers for the detection and punishment of offences against the Salt-Law. It purports to place the Salt Officers in the same position as the Officers engaged in the administration of the Abkari revenue by Regulation IV of 1073, in the matter of search, arrest, &c.

The concluding chapters on penalties and general provisions do not contain anything worthy of special reference at this stage.

It is, I need hardly submit, the recognised aim of all sound legislation to reduce official control to the minimum compatible with efficiency and in revenue legislations of this kind, to ensure the responsible protection and encouragement of Government for the producing classes on whose continued prosperity depends the continued incoming of revenue to the State. The details of the provisions contained in the Bill will in this light be closly examined by the select committee before they are brought up again for fuller consideration by the Council. I would add that this Bill has been drafted on the lines of the Madras Act, IV of 1889.—

L. C. P., dated, 12-9-1910.

II. Leave to introduce the Bill was granted on 15-9-1909 (*T. G. G., dated 28-9-1909*).

CHAPTER I.

Preliminary.

Short title. Commencement.

1. This Regulation may be called "The Travancore Salt Regulation"; and it shall come into force on the 1st Makarom 1088.

Extent.

It shall extend to the whole of Travancore.

Repeal of enactment.

2. From the date on which this Regulation comes into force, Regulation VII of 1063 shall be repealed:

Saving of powers

Provided that all licenses granted, orders and Rules made, Notifications published, local limits defined, and powers conferred under the said Regulation hereby repealed, shall, so far as they are consistent herewith, be deemed to have been respectively granted, made, published, defined and conferred under this Regulation.

Interpretation-Clause.

3. In this Regulation, unless there be something repugnant in the subject or context,—

"Salt Revenue."

(*a*) "Salt Revenue" means revenue derived or derivable from any price, duty, fee, tax, fine, penalty, confiscation or payment, imposed or ordered under the provisions of this Regulation, or of any other law for the time being in force relating to salt:

"Salt."

(*b*) "Salt" means chloride of sodium, and includes swamp salt, spontaneous salt and salt or saline solutions made or produced from any saline substance or from salt-earth:

"Saline substance."

(*c*) "Saline substance" means any substance naturally containing salt:

"Salt-earth."

(*d*) "Salt-earth" means earth containing salt:

The Bill was published on 14-6-1910, introduced in the Council and referred to a Select Committee on 12-3-1910 (*T. G. G., dated 27-9-1910*. The Committee's Report was published on 4-4-1911, and was presented to the Council on 1-6-1911 (*T. G. G., dated 20-6-1911*). It was considered on 31-8 & 1-9-1911 (*T. G. G., dated 19-9-1911*). The Bill was finally read and passed on 17-10-1912 (*T. G. G., dated 22-10-1912*). The Regulation was published in the Gazette dated 10-12-1912.

(e) "Manufacture" includes excavation, collection, removal, preparation, steeping, evaporation, boiling, or any one or more of those processes; and also the separation of salt from any saline substance or from saltpetre:

"Manufacture."

(f) "Range," means a local area, from time to time constituted as such by Our Government, by Notification in the Gazette:

"Range."

(g) "Circle" means a local area, from time to time constituted as such by Our Government, by Notification in the Gazette:

"Circle."

(h) "Excise Inspector" means an Officer in charge of a Range or salt factory, and includes any officer who may be specially invested by Our Government with the powers of an Excise Inspector under this Regulation, by Notification in the Gazette:

"Excise Inspector."

(i) "Circle Officer" means an Officer in charge of a Circle and includes any Officer who may be specially invested by Our Government with the powers of a Circle Officer under this Regulation:

"Circle Officer."

(j) "Salt factory" includes any place used or intended to be used for the manufacture of salt, or for the storage or keeping of the same pending payment of duty, and all embankments, channels, reservoirs, lands, buildings and waste places, situated within the limits thereof as defined from time to time by Our Government, by Notification in the Gazette:

"Salt factory."

(k) "Salt-work" means any defined area within a salt factory which is used for the manufacture of salt and which is separately registered as such in the Sirkar accounts:

"Salt-work."

(l) "Contraband salt" means salt, saline substances or salt-earth manufactured without license, or dealt with by any person in contravention of any enactment for the time being in force, or of any order, permit or license issued thereunder, or of any Rule made in pursuance thereof:

"Contraband salt."

Sec. 3 (j): The definition in the Madras Act says that 'salt factory' does not include a warehouse appointed or licensed under the Sea Customs Act.

but it shall not include salt-earth which has been merely excavated or collected, unless such salt-earth is found within the limits of any local area wherein such salt-earth is declared by a Notification of Our Government to be contraband salt, nor shall it include sea-water :

"Licensee."

(*m*) "Licensee" means a person to whom a license to manufacture salt is issued, and includes any person registered as the transferee of such license under the provisions hereinafter contained :

"Maund."

(*n*) "Maund" means a maund of eighty-two and two-sevenths pounds Avoirdupois weight :

"Place."

(*o*) "Place" includes a house, building, shop, tent or vessel :

"Import."

(*p*) "Import" means to bring into any part of Travancore from sea or from any foreign territory :

"Export"

(*q*) "Export" means to take out of Travancore to sea or to any foreign territory :

"Transport."

(*r*) "Transport" means to remove from one place to another within Travancore.

CHAPTER II.

The Appointment of Officers.

Appointment of Officers for the administration of the Department.

4. Our Government may, from time to time, by Notification,—

Sec. 3 (*p*) (*q*) & (*r*) : The definitions of these terms, not in the Madras Act, were added "in view of the provisions in Secs. 34 and 35 prohibiting the import, export and transport of salt except by such routes as may be prescribed and under such Rules as may be passed by Government in this behalf."— *S. O. R., Pr. 3.*

The Madras Act contains a definition of 'saltpetre.' It was omitted, "as it was not intended to regulate the manufacture and refinement of saltpetre, as in Madras."— *S. O. R., Pr. 2.*

The Madras Act also contains definitions of 'Magistrate' and 'Imprisonment.' They were omitted here, as "in Travancore no Magistrate is appointed except under the Criminal Procedure Code and as the General Clauses Regulation of 1072 defines the word 'imprisonment' rendering a separate definition in the Bill unnecessary."— *S. O. R., Pr. 3.*

"Excise Commissioner."

(a) appoint an Officer under the designation of Excise Commissioner or such other designation as they may deem fit, who shall have the supervision of salt manufacture and the control of the administration of the Salt Department and of the collection of the salt revenue ;

"Assistant Excise Commissioners, Circle Officers and Inspectors.

(b) appoint Officers subordinate to the Excise Commissioner, under the designation of Assistant Excise Commissioners, Circle Officers and Excise Inspectors or under such other designations and with such powers and duties under this Regulation, as Our Government may think fit ;

Other Officers.

(c) order that all or any of the powers and duties assigned to any Officer under Clauses (a) and (b) of this Section, shall be exercised and performed by any Government Officer ;

Delegation of the powers of the Government.

(d) delegate to the Excise Commissioner or to any other Officer of the Government, any of the powers of the Government under this Regulation ;

Withdrawal of powers.

(e) withdraw from any Officer appointed under Clauses (a) and (b) or from any Officer ordered to exercise powers and perform duties under Clause (c), any of the powers and duties assigned to him, or withdraw from any Officer any of the powers delegated to him under Clause (d).

Delegation of powers by the Excise Commissioner.

5. The Excise Commissioner may, from time to time, with the sanction of Our Government, by Notification, delegate any of the powers conferred on him by this Regulation, subject to such limitations as he may think fit, to any Officer subordinate to him, and may, with such sanction, withdraw all or any of the powers so delegated.

CHAPTER III.

The Manufacture of Salt.

Part I.—*General.*

Manufacture without license illegal.

6. No person, not being a public servant manufacturing on behalf of Our Government, shall manufacture salt, unless duly licensed as hereinafter provided.

Excise Commissioner may grant, alter or cancel licenses.

7. The Excise Commissioner may grant licenses for the manufacture of salt. Every license shall relate to specified salt-works, and shall contain such particulars and conditions as Our Government may, from time to time, prescribe.

The Excise Commissioner may, at any time, call for any license, and may amend or alter it, or may tender to the licensee a new license in accordance with any further conditions which may be so prescribed.

If such amended, altered or new license is not accepted by the licensee, the Excise Commissioner may direct that the previous license shall be cancelled.

Every person who is registered as a manufacturer of salt at any salt factory in existence when this Regulation comes into force, shall be deemed to be duly licensed to manufacture salt hereunder, until a license shall be issued to him.

Three descriptions of licenses.

8. Licenses for the manufacture of salt may be either (i) for the manufacture of salt for sale to the Government, or (ii) for the manufacture of salt for general sale, or (iii) for the manufacture of salt partly for general sale and partly for sale to the Government.

Transfer and relinquishment of licenses.

9. Licenses may be transferred or relinquished :

Provided that no transfer or relinquishment shall have any effect against Our Government, unless and until it shall have been accepted or registered under such Rules as Our Government may, from time to time, prescribe.

Licensee to be taken to be owner of license and salt-works.

10. For the purposes of this Regulation, the licensee shall be taken to be the owner of the license and of the salt-works specified therein :

Provided that nothing herein contained shall affect the liability of the licensee towards any person who may have an interest in, or lien upon, such license or salt-works.

Sec. 8 : Clause (iii) in this Section, not found in the Madras Act, was added by the Select Committee who said :—"We think it desirable to provide for such mixed licenses in view to avoid undue limitation of licenses to one particular purpose and to admit of the salt manufactured being sold both to the Government as well as the public as has been now stipulated for in the factories recently opened."— *S. C. R., Pr. 3.*

11. Our Government may, by Notification, establish a salt factory in any land which is the property of the Government, or other land in which the owner thereof shall permit the establishment of a salt factory. Subject to the payment of compensation as hereinafter provided, Our Government may, in like manner, close any salt factory or portion thereof, by directing the cancellation of the licenses relating to salt-works therein comprised.

Power to establish and close factories.

12. Our Government may direct that any salt factory or portion of a salt factory worked under any one of the three kinds of licenses described in Section 8 shall be worked under any other kind of such licenses:

Power to change either system of manufacture.

Provided that no such change shall be introduced during a manufacturing season.

13. The intention of Our Government to effect such change shall be declared by a Notification, not later than the first day of Edavom in the year preceding that in which the change is to take effect, and notice of such intention shall further be served on the general body of licensees at the factory affected.

Notice to be given of intention to change.

On or after the first day of Thulam next ensuing and before the commencement of manufacture, the Excise Commissioner shall cause all licensees to be summoned to receive new licenses and if any of them fail to attend in person or by authorised agent at the time and place mentioned in the summons and to accept the licenses tendered, the Excise Commissioner may declare the existing licenses cancelled.

Power to recall licenses and issue new ones.

14. Salt-works for which licenses have been relinquished under Section 9 or cancelled under Section 7, 11, 13, 23, 25 or 65, shall be at the disposal of Our Government who shall determine whether the salt-works shall be retained within the salt factory or not.

Government to dispose of salt-works for which licenses have been relinquished or cancelled.

(a) If Our Government direct that the salt-works shall be retained within the factory, the proprietary right of other persons therein, if any, shall thereupon vest in Our Government, who shall pay the value of such proprietary right to the late licensee. In calculating such value, the value

Procedure where salt-works are retained within the factory.

of the land as a site for salt manufacture shall not be taken into account. The Government shall, if they admit the existence of such proprietary right, tender to the late licensee such sum as they consider to represent the value thereof, and if the sum tendered is not accepted or such proprietary right is not admitted by the Government, they shall refer the late licensee to a Court of competent jurisdiction. In the case of salt-works for which licenses have been cancelled under Section 7, 11 or 13, the Government shall also pay to the late licensees compensation at the rates fixed in Section 16 :

Procedure where they are not retained.

(*b*) If Our Government direct that the salt-works shall not be retained within the factory, they shall exclude them from the limits thereof, and no payment for the value of any proprietary right shall be made ; but in the case of salt-works for which licenses have been cancelled under Section 7, 11 or 13, the Government shall pay the late licensees compensation at the rates fixed in Section 16 :

Provided that no compensation under this Section shall be payable, if it is excluded by express stipulation in the conditions of the license.

Treatment of works pending disposal in the case of disputes or of suspension of license.

15. Pending the disposal of salt-works under Section 14, in case of dispute as to succession to a deceased licensee, and whenever a license is suspended under this Regulation, the Excise Commissioner may—

grant a temporary license for manufacture in the works in question ;

or flood them with water ;

or take any other measures he may think fit to prevent injury to manufacture in neighbouring salt-works or the spontaneous generation of salt.

Rates of compensation.

16. The compensation payable under Section 14 to a licensee shall be at the rate of eight chuckrams for every maund of salt on the average quantity annually stored from the salt-works to which the license cancelled relates. Such average shall be calculated, (*a*) in the case of salt-works of more than

---

Sec. 16 : (1) In the original Bill, this Section stood as follows :—"The compensation payable under Section 14 to a licensee shall be in the case of factories opened prior to the year 1079 M. E at the rate of 3 chuckrams and in the case of all other factories at the rate of 4½ chuckrams for every maund of salt on the average quantity

five years' standing, on their yield during the five years immediately preceding the date of the cancellation of the license, and (b) in the case of salt-works of less than five years' standing, on their yield during the whole period of their working.

---

annually stored from the salt-works to which the license cancelled or relinquished relates. In the case of a license to manufacture salt for sale to Government or partly for sale to Government and partly for general sale, such average quantity shall be calculated on the number of years in which the salt works have been worked during the five years last preceding. In the case of a license to manufacture salt for general sale, such average quantity shall be calculated on the period not exceeding five years last preceding during which the license has been in force."

This was based on Sec. 18 of the Madras Act which runs thus :—"The compensation payable under Section 16 to a licensee shall be at the rate of four annas for every maund of salt in the average quantity annually stored from the salt-works to which the license cancelled or relinquished relates. In the case of a license to manufacture salt for sale to Government, such average quantity ......has been in force."

(2) The Select Committee amended the Section as follows :—"The compensation payable under Section 14 to a licensee shall be at the rate of eight chuckrams for every maund of salt on the average quantity annually stored from the salt works to which the license cancelled or relinquished relates. In the case of a license to manufacture salt for sale to Government or partly for sale to Government and partly for general sale, such average quantity shall be calculated on the number of years in which the salt works have been worked during the five years last preceding. In the case of a license to manufacture salt for general sale, or partly for general sale and partly for sale to Government, such average quantity shall be calculated on the period not exceeding five years last preceding during which the license has been in force."

They said :—"This is a most important Section and has been carefully considered in consultation with the Excise Commissioner. A representative salt ryot was present at one of the meetings and was very fully heard.

"To start with, the Committee recognise that in the interests both of the ryots and of salt manufacture, occasions for the relinquishment or cancellation of licenses should be few and far between. Although the Regulation now in force contains provisions for the closing of factories and for the giving up or cancelling of licenses, the necessity has hardly ever arisen. With the ryots anxious to continue a means of livelihood which has been theirs for generations and with a Department no less anxious to retain the ryots only placing them in improved conditions of manufacture, it is no wonder that it is so. But this Regulation is in advance of the one now in force ; it provides for the payment of compensation to the outgoing licensees. After careful consideration the Committee consider that the rate of compensation should be the same both for the monopoly and excise factories. If the former have a long period of possession at their back the latter can base their claim on a large outlay in opening these factories. In calculating the compensation payable we have followed the procedure accepted in Madras. The Select Committee (Madras) considered 5 years' purchase of half the Kudivaram or monopoly ryot's share to be a fair amount. Now this average Kudivarom on the East Coast in the time of the Salt Commission of 1876 was just under 1½ annas per maund. Half of this multiplied by 5 gives 45 pies or in round figure 48 pies or 4 annas. The Committee in consultation with the Excise Commissioner, have accepted this calculation. The Kudivaram is 3 chuckrams

Power to destroy salt.

17. The Excise Commissioner may, without payment, authorise the immediate destruction of all salt manufactured by licensees otherwise than according to the conditions of their licenses; but it shall be lawful for the Excise Commissioner to refrain from ordering such destruction if the salt so manufactured is, in his opinion, of an acceptable quality.

Power to erect guard sheds.

18. The Excise Commissioner may cause guard sheds to be erected at any place in any salt factory without payment of compensation for the use of the land occupied thereby.

Part II.--*The Manufacture of Salt for Sale to the Government.*

To what factories provisions of Part apply.

19. The provisions of this Part shall apply only to salt factories or portions of factories worked for the sale of salt to the Government.

---

per maund in the old monopoly factory and 4½ chuckrams in the new Excise factories. Taking the rate at the old factory, 3 chuckrams, and multiplying half of this by 5, we get 7½ churgrams or 8 chuckrams in round number. If we take the average of the monopoly rates, it would give 3¾ chuckrams and calculated the above would yield 9 chuckrams 6 cash or 10 chuckrams in round numbers per maund. The Committee have adopted the former figure."—*S. C. R., Pr. 3.*

(3) When the Bill was considered by the Council, the words "or relinquished" occurring at the end of the first sentence were omitted on the motion of the Member in charge who said :—"Section 14 provides for payment of compensation only in cases in which licenses are cancelled under Sections 7, 11 or 13 and not in cases in which licenses are voluntarily relinquished."

In the place of the other two sentences in the Section, the existing sentence was substituted also on the motion of the Member in charge, "as the method of calculation of the average quantity, described in the latter part of the Section, seemed to require modification."— *L. C. P., dated 31-8-1911.*

Sec. 17 : In the Madras Act, the Section is :—"The Commissioner may without payment.........conditions of their licenses." The original Bill had no such provision. The Select Committee put the Madras Section in, with the following Proviso at the end— "provided that the salt so manufactured does not come up to the standard approved by the Commissioner," "in view to better protect the interests of the manufacturers. It is but fair that salt even though manufactured otherwise than according to the conditions of a license is saved from destruction, if it comes up to the standard approved by the Excise Commissioner."—

S. C. R. Pr. 3.

When the Bill was considered by the Council, the Excise Commissioner pointed out that the proviso added to this Section by the Select Committee was likely to prejudice the efficient administration of salt factories, as it offered the best inducement possible to a licensee to intentionally infringe the conditions of his license and to demand acceptance of the salt manufactured by him according to his own ways." The Member in charge observed thereon that "it would be hard if, because a non-essential condition of the license is broken the salt manufactured by the licensee, though of approved standard or quality, should be ordered to be destroyed by the Excise Commissioner." On the motion of the Member in charge, the existing provision was then substituted by the Council.— *L. C. P., dated 31-8-1911.*

Excise Commissioner to determine quantity of salt to be manufactured and to pay for all salt manufactured.

20. The Excise Commissioner shall determine the quantity of salt to be manufactured in each year by each licensee. The Excise Commissioner shall pay licensees for their share of the salt manufactured according to the conditions of their licenses and delivered into store by them, at such rates as Our Government may, from time to time, prescribe :

Provided that the share of the licensees who, on the date on which this Regulation comes into force, take a two-fifths share of the salt manufactured by them, shall not be liable to be reduced.

Obligations and duties of licensees.

21. Licensees shall be bound at their own expense to maintain in repair their salt-works and the minor irrigation channels which supply brine thereto, and to deliver into store all the salt manufactured by them or to store such salt, without such delivery, at such places and in such manner as may be appointed by the Excise Commissioner for the factory or for the salt-works of the licensees.

Sec. 20 : The original Bill reproduced Sec. 22 of the Madras Act which runs thus: —"The Commissioner shall determine...... each licensee. The Commissioner shall pay licensees for all salt manufactured according to the conditions of their licenses...... prescribe."

The Select Committee altered the second sentence as follows :—"The Excise Commissioner shall pay licensees for their share—*viz.*, two-fifths—of the salt manufactured..... prescribe."

When the Bill was considered by the Council, the Excise Commissioner observed that "the object of the Bill in fixing the share of the licensees as two-fifths was apparently to conserve the right of the licensees of the existing monopoly factories. There was no objection to the grant of the 2/5 share, so far as the *existing* monopoly factories were concerned. But in regard to *future* monopoly factories, this Section had the effect of binding down the Government to the grant of a stereo-typed share of the out-turn of all licensees." It was also pointed out that the existing monopoly licensees were entitled to the 2/5 share and that this share was not liable to reduction. On this, the expression—"*viz.*, two-fifths"—was omitted and the existing Proviso added, on the motion of the Member in charge.—

L. C. P., dated 31-8-1911.

Sec. 21 : (1) In the Bill as amended by the Select Committee, the Section was the same as in the Madras Act which does not contain the second and fourth paras now found herein. These were put in by the Council on the motion of the Member in charge, in view of the observation of the Excise Commissioner "that under the existing monopoly system, the salt was not delivered by the licensee to any Government Officer prior to the time of sale. It was stored on the platform on the licensee's responsibility and it remained his property until sale. In British India, after manufacture, the salt was taken charge by the Factory Officer and sold at a future time. Provision had therefore to be made to meet the present system as well as the British system which might have to be introduced at a future time."

They shall also be bound to protect, at their own expense, the salt stored by them, in such manner as the Excise Commissioner may consider sufficient.

They shall also be bound, when called upon by the Excise Commissioner, on occasions which he may consider emergent, to provide labour and materials for securing salt in store and for executing repairs to the platforms, main channels, roads and other works of the factory, and shall be paid at the rates usually paid in the neighbourhood for labour and materials of a similar description.

No licensee shall be entitled to claim from the Government compensation for any loss or damage to stored or unstored salt lying at any salt factory, unless it be proved that such loss or damage was caused by the wilful act or neglect of an Officer of the Salt Department employed at the factory at which the salt was lying.

Power to enforce performance of obligations by licensees.

22 If the licensees fail to agree among themselves as to the proportions in which they shall execute, perform and do the several works, duties and things mentioned in the last preceding Section, it shall be lawful for the Excise Commissioner to determine such proportion by order to be affixed in a conspicuous place in the salt factory, and the licensees shall thereupon be bound to execute, perform and do such works, duties and things accordingly, within a time to be named in the said order, and if any licensee shall fail so to do, the Excise Commissioner may take such steps as he may think fit, for the execution, performance and doing of such works, duties and things, and may recover from such licensee the amount of any expenditure which the Excise Commissioner may have incurred owing to such refusal or neglect.

Penalty for want of due diligence or default by licensee.

23. In case of a licensee failing to manufacture salt during the two manufacturing seasons last preceding, or committing any default under Section 21 or 22, the Excise Commissioner may

---

(2) The first para was also amended by the insertion of the words "or to store such salt without such delivery."—

L. C. P., dated 31-8-1911.

(3) In the 3rd para, which was taken from the Madras Act and put in by the Select Committee, the words "on occasions which he may consider emergent", not found in that Act, were inserted by the Committee in view to "explain the reason and the occasion for the call upon licensees to provide labour and materials."— *S. C. R., Pr. 3.*

impose upon the licensee a fine not exceeding one-tenth of the sum payable at the prescribed rates on the quantity of salt determined under Section 20; or

suspend the license for such period as he may think fit; or

one month after notice, cancel the license.

Part III.—*The Manufacture of Salt for general Sale, and partly for general Sale and partly for Sale to the Government.*

To what factories provisions of Part apply.

24. The provisions of this Part shall apply only to salt factories or portions of factories worked for the general sale of salt, or partly for general sale and partly for sale to the Government.

Power to cancel license on failure to manufacture.

25. The Excise Commissioner may, after giving one month's notice, cancel the license for any salt-work at which no salt shall have been manufactured during the two manufacturing seasons last preceding.

Removal of salt from closed factory.

26. Salt in store at any salt factory or part of a factory which may be closed in the manner hereinbefore provided or the property of any licensee whose license may be cancelled or suspended, shall be removed within six months of the date of such closing or of the cancelment or suspension of such license, for which purpose only shall the license continue in force; and if the licensee shall fail so to remove the salt on payment of the duty thereon as well as the charges that may be fixed by the Government from time to time, it shall be forfeited to the Government and disposed of as the Excise Commissioner may think fit.

Salt to be protected, re-heaped and secured, and storage works constructed.

27. The Excise Commissioner may, by order in writing, require a licensee to protect salt manufactured by him, in such manner as the Excise Commissioner shall consider sufficient, in any place appointed by the Excise Commissioner for storage or keeping of salt for the

---

Sec. 23: In the Madras Act, the Section is:—"In case of a license failing to exercise due diligence in manufacture or committing any default, &c." This was the wording in the Bill as passed by the Select Committee. The Council adopted the existing wording on the motion of a Non-official Member who said:—"Failure to exercise due diligence renders the licensee liable to punishment which may even be the cancellation of his license. But 'due diligence' has not been defined. Neglect or default, to entail punishment, must be something definite and specific as in Section 25."—

L. C. P., dated 31-8-1911.

The marginal note does not appear to have been altered in the published Regulation, as per the above amendment.

factory or for the salt-works of the licensee, to re-heap and secure, in such manner as he may direct, any portion remaining out of a heap or store which has been opened, or to construct or repair to the Excise Commissioner's satisfaction any embankment, platform, building or works required or set apart for the purpose of storage, and if the licensee shall fail to comply with such order within ten days of the receipt thereof, the Excise Commissioner may do what is required, or may sell or destroy salt so left unprotected or unstored, and may recover the cost from the licensee.

Refuse salt to be stored or destroyed.

28. The Excise Commissioner may call upon a licensee to store in such manner as he may direct any sifted or refuse salt manufactured by him which may be lying unstored, or, at the option of the licensee, to destroy the same; and if the licensee shall fail either to store or to destroy such salt, within ten days of the receipt of the order so to do, the Excise Commissioner may cause such salt to be destroyed, and may recover the cost of such destruction from him. The Excise Commissioner shall determine whether any salt is sifted or refuse, for the purposes of this Regulation.

Licensees to construct and maintain in good order roads, channels, reservoirs, &c.

29. The licensees at each salt factory shall be bound at their own expense to construct and maintain within the limits of the factory in good repair, to the satisfaction of the Excise Commissioner, all roads and all channels, reservoirs, embankments, drying grounds, platforms and other works used or intended to be used for the manufacture and storage of salt, and also all works, wherever situated, for the protection of the factory from inundation, or for the supply of brine.

When works may be undertaken by the Salt Department.

30. In case the licensees shall fail to execute the works specified in the last preceding Section, or, with the sanction of Our Government, whenever it appears desirable that any such work should be undertaken by the Salt Department, the Excise Commissioner may cause such works to be executed and may recover the cost thereof, in such proportions as may seem fit, from the licensees.

Applicants for permit to remove salt legally bound to state price.

31. Every person applying for a permit to remove salt from a salt factory under this Chapter, shall be legally bound to declare in the application the price at which the salt has been sold or will be sold and the full consideration given or agreed to be given therefor.

Sec. 31 : The words "or will be sold" do not occur in the Madras Act.

32. No licensee shall be entitled to claim from the Government compensation for any loss or damage to stored or unstored salt lying at any salt factory, unless it be proved that such loss or damage was caused by the wilful act or neglect of an Officer of the Salt Department employed at the factory at which the salt was lying.

Liability of Government for loss or damage to salt in a factory.

CHAPTER IV.

Removal of Salt and Payment of Duty and Charges.

33. Our Government may, from time to time, by Rules consistent with this Regulation,—

Power of Government

to impose duty on manufacture of salt;

(a) impose a duty on every maund of salt manufactured in or imported into Travancore;

to increase, reduce or remit duty;

(b) increase, reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted;

to fix minimum price of salt excavated, &c., by Government.

(c) fix the minimum price at which salt excavated, manufactured or sold by or on behalf of the Government, shall be sold.

In calculating the amount of duty payable under this Section, fractions of quarter maunds shall be reckoned as quarter maunds.

34. Importation into, and exportation from, Our territories, of salt, is forbidden except by such routes as may be prescribed and under such Rules as may be passed by Our Government.

Imports and exports to be by prescribed routes only.

35. Subject to any Rules which may be framed by Our Government under Section 77, no salt shall be removed from any salt factory, otherwise than on account of the Government, or for transport to a place of storage authorised by the Excise Commissioner, and no salt shall be removed, unless for the Government purposes, from such authorised place of storage, except under a permit and on payment of duty at the rate fixed by Our Government under Section 33, and of the following charges:—

Salt not removable from factory except under permit and on payment of duty and other charges.

Sec. 35: The words—"unless for Government purposes"—were inserted after "removed" in the first para, as "necessary to legalise the removal of salt from a Port Depot to a Salt Bankshall, or to any other Government institution, such as an Agricultural Experimental farm."—*L. C. P., dated 1-9-1911.*

(a) for every maund of salt sold on account of the Government, such sum as may be fixed under the general or special order of Our Government, or determined by auction-sale, not being less than any minimum fixed under Section 33, Clause (c);

(b) for every maund of salt sold by or on account of a licensee, such sum as Our Government may, from time to time, fix as sufficient to cover all or any of the following charges or portions thereof :—

(1) the rent or assessment of the land occupied by the factory, and of the land or buildings on or in which the salt was stored;

(2) interest at five per centum per annum on the capital cost of the works constructed at the expense of Our Government within the factory of any of the descriptions or for any of the purposes mentioned in Section 29;

(3) the cost of any works executed under Section 30 and not recovered thereunder;

(4) so much of the annual expenditure incurred by Our Government on the establishments maintained at the factory or place of storage for the purposes of guarding the salt and of realising the revenue thereon, as may exceed five per centum on the duty levied on the salt therein sold in preceding official years and as has not been recovered by the Government.

Weighment of salt removed.

36. Every holder of a permit for the removal of salt from a salt factory shall be bound to superintend, either in person or by his servant or agent, the weighing out of the same, and the person actually superintending such weighment shall be bound to prevent the removal of any quantity in excess of that for which the permit has been granted, and may test the weights and scales used in the weighment thereof.

Establishment of preventive stations.

37. Our Government may establish preventive stations at which all salt removed from any specified factory shall be detained and examined.

CHAPTER V.

The Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law.

Magistrates may issue search-warrant on information.

38. Any Magistrate, on information given that contraband salt is manufactured, sold or kept in any place within his jurisdiction, may issue a warrant to search for such salt. Before issuing such warrant, the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing and be signed by the informant and by the Magistrate.

When Officer of Excise or other Department may search without warrants. Procedure to be observed.

39. Whenever any Officer of the Excise Department, not below the rank of an Inspector, or Officer in charge of a Police-station, or any other class of Officers of the Government who may, by Notification in the Gazette, be authorised by Our Government in this behalf, has reason to believe that contraband salt is being manufactured, sold or kept in any place, and that the delay in obtaining a search-warrant will prevent the discovery thereof, such Officer shall first record in writing (so far as may be practicable)--

(*a*) the name, residence and calling of the informant (if any);

(*b*) the locality and description of the place in which and the name of the person for or by whom the contraband salt is manufactured, sold or kept; and

(*c*) the supposed quantity and description of the contraband salt, with the grounds of believing the same to be contraband;

and may then, between sun-rise and sun-set, enter and search any such place, and may seize and carry away all contraband salt and all things liable to confiscation under this Regulation, which he may find, and may destroy any work constructed in such place for the manufacture of such salt or to cause or assist the spontaneous generation of salt;

and may also arrest any person concerned in the manufacture, sale or keeping of such contraband salt or in dealing therewith.

Any person arrested under this Section shall be admitted to bail by the Officer conducting the search, if sufficient bail be tendered for the appearance of such person before the Excise Inspector.

Sec. 39: In the original Bill, the Section ran thus:—"Whenever any Officer of the Excise, Police or Land Revenue Departments, empowered by Our Government in this behalf, has reason &c." This was on the lines of the Madras Act. The Select

40. Whenever the head of a Pakuthi (Revenue village) has credible information that contraband salt is manufactured, sold, or kept in his village, and considers that the delay in obtaining a search-warrant will prevent the discovery thereof, he may, between sun-rise and sun set, search the place in which such salt is believed to be manufactured, sold or kept, and shall seize and carry away all such salt and all things liable to confiscation under this Regulation, which he may find; and he shall forthwith forward them, with a report mentioning the circumstances under which, and the person in whose possession, they were found, to the nearest Excise Inspector or Officer in charge of a Police-station.

Search by head of village.

41. Any Officer of the Excise, Police or Land Revenue Department may arrest without warrant, in any public thoroughfare or open place other than a dwelling place, any person found committing an offence under this Regulation, and in any such thoroughfare or open place may seize and detain anything which he has reason to believe to be liable to confiscation under this Regulation, and may search any person, vessel, vehicle, animal, package or covering upon whom or in or upon which he may have reasonable cause to suspect any such thing to be.

When offenders may be arrested, and anything liable to confiscation seized, without warrant.

42. Any person who may be accused or reasonably suspected of committing an offence under this Regulation and who, on demand by any Officer of the Excise, Police or Land Revenue Department, or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such Officer or person has reason to believe to be false, may be arrested by such Officer or person in order that his name and residence may be ascertained.

Persons refusing to give name and residence or giving false ones may be arrested.

Committee introduced the existing wording. They said:—"The powers of search conferred by the Section is important and we think it necessary to define definitely the class of Officers who could be permitted to exercise this power. This amendment is taken from the corresponding provisions in the Opium Bill now under consideration."—*S. C. R., Pr. 3.*

Sec. 40: The words "and considers that the delay in obtaining......discovery thereof", not found in the Madras Act, were put in by the Select Committee, as "the insertion of the provision is necessary to secure that the power granted is not used except in real necessity."— *S. C. R., Pr. 3.*

43. All searches under this Chapter shall be made in accordance with the provisions of the Code of Criminal Procedure, so far as the same are consistent herewith, and where made by the head of a Pakuthi or village, shall be reported, within twenty-four hours, to the nearest Magistrate having jurisdiction.

Procedure in case of search.

44. Whenever any search or arrest or seizure is made under Section 39, 41 or 42, the Officer making it, shall, within twenty-four hours, make a full report of the particulars of such arrest or seizure to his immediate official superior, as well as to the nearest Magistrate having jurisdiction.

Report of search or seizure.

45. Whenever any person is arrested under the provisions of this Chapter and has not been admitted to bail under Section 39, the person arresting him shall forthwith forward him to the Excise Inspector of the Range in which the arrest was made, or, if such Excise Inspector be not within a distance of ten miles from the place at which such arrest took place, to the nearest Police-station, with a report of the circumstances under which such arrest was made.

Arrested person how to be dealt with.

46. On any such person being brought to a Police-station as aforesaid, the Officer in charge thereof shall admit him to bail to appear, when summoned, before the Excise Inspector of the Range within the limits of which the offence with which he is charged is suspected to have been committed, and in default of bail, shall forward him in custody to such Excise Inspector.

Procedure by Police-station Officer.

47. Whenever any person charged with having committed an offence under this Regulation is brought before an Excise Inspector or appears before him on bail, such Excise Inspector shall, after such enquiry as he may deem fit, either admit him to bail to appear before the Magistrate having jurisdiction, or, in default of bail, forward him in custody to such Magistrate, or release him on his executing a bond to appear, if and when so required, before such superior Officer as the Government may by general

Procedure by Excise Inspector.

Sec. 44: The Madras Act does not provide for report to the Magistrate also.

Sec. 47: Sec. 55 of the Madras Act runs thus :—"Whenever any person charged ......inquiry as he may deem fit, either release him or admit him to bail....custody to such Magistrate."

or special order appoint in this behalf, and make a full report to such superior Officer of the circumstances under which such release was made.

Procedure by superior Officer.

Every such superior Officer, on receipt of such report, shall, after such further enquiry as he considers necessary, either release the accused, or cause his appearance before the Magistrate having jurisdiction in the manner provided above.

Bond of sureties and accused.

48. Before any person is released on bail, a bond, in such sufficient but not excessive sum of money as the Officer admitting him to bail thinks proper, shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Officer before whom he was bailed to attend:

Provided that the Officer admitting any such person to bail may dispense with the requirement of a surety or sureties to the bond executed by such person.

Procedure on breach of bond for appearance.

49. Whenever, by reason of default of appearance of a person bailed to appear before an Excise Inspector or such superior Officer as is mentioned in Section 47, such Excise Inspector or superior Officer is of opinion that proceedings should be had to compel payment, of the penalty mentioned in the bond, he shall forward it to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty in the manner provided by the Code of Criminal Procedure for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Excise Inspector may summon suspected persons.

50. Any Excise Inspector may, after recording his reasons in writing, summon any person to appear before him, whom he has reason to suspect of having committed an offence under this Regulation. On such person appearing before such Excise Inspector, he shall be dealt with under Section 47.

If the person summoned fails to apppear before the Excise Inspector, and it appears to such Officer, after such enquiry as he thinks fit,

that there is sufficient evidence to justify the belief that such person has committed the offence he is charged with, the Excise Inspector may forward a report to the Magistrate in the manner provided in Section 56.

Excise Officers may summon witnesses.

51. Any Officer of the Excise Department, duly empowered in this behalf by Our Government, may summon any person to appear before himself to give evidence in any investigation relating to salt revenue or to produce any document relevant thereto which may be in his possession or under his control :

Provided that no person shall be summoned to appear at a greater distance from his usual place of residence than Our Government may, from time to time, by Notification, direct.

Terms of summons.

52. Summonses shall be in writing, shall require the persons summoned to appear at a stated time and place, and shall be signed by the Officer issuing them. Summonses under Section 51 shall state whether the person summoned is required to give evidence or produce a document or both.

Examination of witnesses summoned by Excise Officers.

53. Persons summoned under Section 51 shall attend as required and shall answer truly all questions relating to such investigation put to them by such Officer, other than questions the answers to which would have a tendency to expose them to a Criminal prosecution or to a penalty or forfeiture. Such answers shall be reduced into writing and shall be signed by such Officer. The answers shall also be signed by such persons, but shall not be used as evidence in any Criminal proceeding other than a proceeding on a charge of perjury against such persons.

Examination of witnesses whose attendance is dispensed with.

54. Such Officer may proceed to the residence of any person who from sickness or other infirmity may be unable to appear before him, or whom, by reason of rank or sex, it may not be proper to summon, and may there examine him, instead of summoning him to appear, and the provisions of Section 53 shall apply in such case.

Sec. 51 :—The words "or to an offence under this Act" occur in Sec. 59 of the Madras Act after the words "salt revenue."

Sec. 53 : Sec. 61 of the Madras Act is:—"Persons summoned under Sec. 59 shall attend as required and shall answer all questions relating to such investigation put to them by such Officer. Such answers shall be reduced into writing, and shall be signed by such Officer."

55. Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

Persons summoned merely to produce documents.

56. Whenever an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction, or admits any such person to bail to appear before such Magistrate, such Excise Inspector shall also forward to such Magistrate a report setting forth the name of the accused person, the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case; and shall send to such Magistrate any article or samples which it may be necessary to produce before him. Upon the receipt of such report or a report under Section 50, the Magistrate shall proceed in like manner as if report has been made to him under Clause (*b*) or (*c*), Section 170 of the Code of Criminal Procedure.

Report of Excise Inspector to Magistrate.

57. Such Excise Inspector shall exercise all the powers conferred by the Code of Criminal Procedure on an Officer in charge of a Police-station, in respect of causing the appearance before such Magistrate of such persons as he may consider necessary to be examined by the Magistrate.

Power of Excise Inspector to cause attendance of witnesses.

58. No person accused or suspected of having committed an offence under this Regulation shall be detained in custody for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where the Excise Inspector may be, and from thence to the Magistrate having jurisdiction.

Accused not to be detained in custody for a longer period than 24 hours without special authority.

59. All Officers in charge of Police-stations shall take charge of and keep in safe custody, pending the orders of the Magistrate or of any Excise Inspector, all things seized under this Regulation, which may be delivered to them; and shall allow any Excise Officer who may accompany such things to the Police-station or who may be deputed for the purpose by his

Custody of things seized under the Regulation.

superior Officer, to affix his seal to such things or to take samples of and from them. All samples so taken shall also be sealed with the seal of the Officer in charge of the Police-station.

Officers of Excise and other Departments to assist each other.

60. All Officers of the Excise, Police and Land Revenue Departments shall, upon notice given, or request made, be legally bound to assist each other in carrying out the provisions of this Regulation.

Prevention of and information regarding offences.

61. All Officers of the Police and Land Revenue Departments shall be bound to give immediate information to an Excise Officer, and every Excise Officer shall be bound to give immediate information either to his immediate official superior or to an Excise Inspector, of all breaches of any of the provisions of this Regulation which may come to their knowledge; and all such Officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which, they may know or have reason to believe, are about or are likely to be committed.

Land-holders and others to report manufacture of contraband salt.

62. All proprietors, tenants, under-tenants and cultivators or other persons who own or hold land on which there shall be any manufacture of contraband salt, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an Officer of the Excise, Police or Land Revenue Department, immediately the same shall come to their knowledge.

Provisions regarding confiscation of things liable thereto.

63. At the conclusion of any enquiry into or trial of an offence under this Regulation, the Court may order the confiscation of anything liable to confiscation under this Regulation in connection with such offence.

Whenever confiscation is so ordered, the Court may give the owner of such thing an option to pay, in lieu of confiscation, such sum of money as the Court may think fit. In any other case, when anything liable to confiscation under this Regulation has been seized, the Excise Commissioner may, subject to such Rules as Our Government may prescribe, order the confiscation thereof.

Disposal of things seized.

64. Our Government may by Rule provide in regard to things liable to be seized under this Regulation,—

(a) that the owner or person having the charge of any animal seized and detained, shall provide from day to

27576 ~~1.7K~~

day for its keep while so detained, and that, if he omits to do so, such animal may be sold by public auction and the expenses (if any) incurred on account of it, defrayed from the proceeds of the sale ;

(*b*) that when anything is seized and an order for its release is subsequently passed and the owner does not, within a period to be fixed by such Rule, appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale ; and

(*c*) that the surplus proceeds of a sale under Clause (*a*) or Clause (*b*) of the Section shall, if not claimed by the owner of the thing seized within a period to be fixed by such Rule, be forfeited to the Government.

Power to cancel and suspend licenses.

65. The Excise Commissioner may cancel any license, if the licensee shall have been convicted of any offence under this Regulation, or may suspend or cancel any license in case of breach of the conditions thereof.

CHAPTER VI.

Penalties.

66. Any person who—

Penalties for removal of salt without or in excess of permits, &c.

(*a*) removes any salt without or in excess of the permits rendered necessary by this Regulation ; or

(*b*) except for agricultural or building purposes, excavates, collects or possesses salt-earth in any local area where it is contraband salt ; or

(*c*) manufactures contraband salt in any other way than by excavating or collecting salt-earth ; or

---

Sec. 66 : The penalty provided in the Madras Act is imprisonment not exceeding six months, or fine not exceeding 500 Rs., or both.

(*d*) purchases, obtains, possesses, sells or weighs contraband salt other than salt-earth, knowing or having reason to believe it to be contraband ; or

(*e*) attempts to commit or, within the meaning of the Travancore Penal Code, abets the commission of, any of the above acts ;

shall, on conviction, be punishable for every such offence with imprisonment for a term not exceeding three months, or with fine not exceeding two hundred and fifty rupees, or with both.

Penalty for act or omission in contravention of Section 36, or of Clauses (*c*), (*d*) and (*f*) of Section 77 or of any permit.

67. Any person who is guilty of any act or intentional omission in contravention of Section 36 of this Regulation, or of any Rule framed by Our Government under Clauses (*c*), (*d*) and (*f*) of Section 77, or of any permit granted under this Regulation, shall, on conviction, be punishable with fine which many extend to two hundred rupees.

Penalty for vexatious abuse of power by Officer of Excise or other Department.

68. Any Officer of the Excise, Police or Land Revenue Department who enters, for the purposes of search, any house, building, vessel or enclosed place, without reasonable cause to believe that contraband salt is manufactured, sold or kept therein, or who vexatiously and unnecessarily seizes any article on the pretence of searching for contraband salt, or who vexatiously and unnecessarily detains, searches and arrests any person, or stops or detains any vehicles or vessels in transit, or who in any other way vexatiously exceeds his lawful powers, shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty for vexatious delay by Officer of Excise or other Department.

69. Any Excise or other Officer exercising powers under this Regulation, or any other person, who vexatiously and unnecessarily delays forwarding to the Excise Inspector or to the Officer in charge of the nearest Police-station, as required by Section 45 of this Regulation, any person arrested or any article seized under this Regulation, shall be punished with fine which may extend to one hundred rupees.

Sec. 68 : The maximum penalties in the Madras Act are double those provided in the Regulation.

Sec. 69 : The maximum fine provided in the Madras Act is 200 Rs.

Penalty for Excise Officer refusing to do duty or using violence to person in custody.

70. Any Excise Officer who, without lawful excuse shall cease or refuse to perform, or shall withdraw himself from, the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he shall have given to his superior Officer two months' previous notice in writing of his intention to do so, or

who shall offer any unwarrantable violence to any person in his custody,

shall, on conviction, be punishable with fine which may extend to six months' pay, or with imprisonment which may extend to three months, or with both.

What things liable to confiscation.

71. All contraband salt;

all salt, saline substances or salt earth, in regard to which any offence relating to salt may be proved to have been committed;

all vessels, vehicles, materials, implements, utensils, animals, packages and coverings employed in the manufacture, purchase, sale, keeping, concealment or conveyance thereof, or in otherwise dealing therewith;

shall be liable to confiscation.

CHAPTER VII.

General Provisions.

Publication of Rules and Notifications.

72. All Rules made and Notifications issued under this Regulation shall be made and issued by publication in the Government Gazette: Provided that all such Rules and Notifications whereby any act or omission is made punishable, shall be published in three successive issues of the Government Gazette. All such Rules and Notifications shall thereupon have the force of law and be read as part of this Regulation, and may in like manner be varied, suspended or annulled.

Mode of conferring powers.

73. All Notifications and orders conferring powers, imposing duties or making appointments under this Regulation, may respectively refer to persons by name or by office or to classes of officials generally by their official titles.

74. Whenever under the provisions of this Regulation, it may be necessary to serve any person with a summons or a notice, or to tender a license, such service or tender shall be made in accordance with the provisions of the Code of Criminal Procedure regarding the service of summons, so far as they may be applicable to the circumstances of the case:

Service of summons, &c.

Provided that a registered letter addressed to the usual residence of any person may be sustituted for any other mode of serving a summons or notice upon that person :

And provided also that, when a notice has to be served upon the general body of the licensees of a salt factory, it shall be sufficient to affix the notice to a prominent part of the factory office and to keep it so affixed for not less than seventy-two hours.

75. All contraband salt found in any house, building or enclosed place shall be presumed, until the contrary is proved, to be in the possession of the occupier of such house, building or place.

Presumption as to possession.

76. All sums recoverable under this Regulation or in any way due to the Government on account of the salt revenue, may be deducted by the Excise Commissioner from any money owing to the person from whom such sums may be recoverable or due, which may be in the hands of the Excise Commissioner or under his disposal or control, or may be recovered by the Excise Commissioner by attachment and sale of salt belonging to such person and remaining within the limits of a factory or a place of storage authorised by the Excise Commissioner. If not so recovered, such sums may be recovered by the Thasildar, on the requisition of the Excise Commissioner, as if they were arrears of land revenue.

Recovery of sums due to Government.

77. Our Government may, from time to time, make Rules consistent with this Regulation for regulating the following matters, namely :—

Power to make Rules.

(a) the grant of licenses and permits and the particulars and conditions to be contained therein ;

Sec. 76 : The words "or a place of storage authorised by the Excise Commissioner" are not found in the Madras Act. They were put in by the Council on the suggestion of the Excise Commissioner who pointed out that "under Sec. 35, the salt, the duty on which had not been paid, might be removed to an authorised place of storage. Necessity might arise for the recovery of sums due to the Government by the attachment and sale of such salt."—

L. C. P., dated 1-9-1911.

(*b*) the registry and acceptance of transfers and relinquishments of licenses ;

(*c*) the manufacture, storage, sale and removal of salt in and from salt factories and the import or export of salt by sea or land ;

(*d*) the time for the payment of duty and other charges and the assessment of such charges ;

(*e*) the grant of batta to witnesses and of compensation for loss of time to persons released under Section 47, on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Regulation and acquitted ;

(*f*) the routes by which salt shall be taken to a preventive station ;

(*g*) the disposal of things seized or confiscated ; and

(*h*) generally, the carrying out of the provisions herein contained.

Appeals against orders.

78. Appeals shall lie from all proceedings and orders of Officers appointed under this Regulation, to their respective immediate superiors, provided that such appeals are preferred within thirty days from the date of the receipt, by the person aggrieved, of the order or proceedings appealed against.

Appeals shall also lie from all proceedings and orders of the Excise Commissioner to Our Dewan, provided that such appeals are preferred within sixty days from the date of the receipt, by the person aggrieved, of proceedings or order appealed against.

Limitation.

79 No action shall lie against Our Government or against any Officer in respect of any order passed or act *bona fide* done or ordered to be done under this Regulation. No suit or prosecution shall be instituted for anything done or ordered to be done under this Regulation, after the expiration of six months from

Sec. 78: The Section (86) in the Madras Act does not provide any period for appeal. It runs thus :—"An appeal shall lie from all proceedings and orders of Officers appointed under this Act to their respective immediate superiors."

the accrual of the cause of action or from the date of the act or order complained of.

Power of superior Officers of the Excise Department.

80. Excise Officers superior in rank to an Excise Inspector may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such Inspector within the limits of his jurisdiction.

RULES AND NOTIFICATIONS.

I. RULES.

CONTENTS.

CHAPTER I.

Grant of Licenses and Permits.

RULES.

1. Tendering of licenses to manufacture salt for sale to Government.
2. Forfeiture of right to license in case of non-acceptance.
3. Conditions of license for manufacture for sale to Government.
   (1) Licensee bound by Salt Law and Rules.
   (2) Excise Commissioner may empower other Officers to exercise his powers.
   (3) The commencement and closing of manufacture.
   (4) Quantity and quality of the salt manufactured by the licensee.
   (5) Elimination of bitterns and prohibition against scraping when density exceeds 30°.
   (6) No scraping on holidays except with permission.
   (7) Removal of salt to the drying grounds within prescribed time and after estimation.

RULES.

   (8) Removal to drying grounds and storage platforms to be regulated by Rules.
   (9) Consequence of manufacturing salt of bad quality.
   (10) Prevention of the formation of spontaneous salt.
   (11) Consequences of failure to store salt.
   (12) Licensee can claim *kudivaram* only after removal of salt from factories.
   (13) All disputes to be decided by the Excise Commissioner.
   (14) On fraud being proved, licensee's name to be struck off the register.
   (15) Licensee's address to be registered in the factory office.
   (16) Free access in factories to Excise Officers and Gazetted Officers.
   (17) Licensees to have access in factories only during prescribed hours.

RULES

(18) Licensee shall not have pecuniary dealings with Excise Officers.

(19) Licensee to obey the lawful orders of Factory Officers.

(20) Further conditions in licenses and delivering the same.

(21) Licensee to execute *Muchilika*.

4. Tendering of licenses in Excise or modified Excise factories.

5. Forfeiture of right to license in case of non-acceptance and grant of license to other persons.

6. Conditions of license.

(1) Licensee bound by Salt Law and Rules.

(2) Excise Commissioner may empower other Officers to exercise his powers.

(3) The commencement and closing of manufacture and the liability of licensee to work all his pans.

(4) Elimination of bitterns and prohibition against scraping when density exceeds 30°.

(5) Ordinarily no scraping on Sundays.

(6) Removal of salt to the drying grounds within prescribed time and after estimation.

(7) Removal to drying grounds and storage platforms to be regulated by Rules.

(8) Consequences of manufacturing salt of bad quality.

(9) Prevention of the formation of spontaneous salt.

(10) Consequences of failure to store salt.

(11) Salt to be weighed twice with Government scales.

(12) All disputes to be decided by the Excise Commissioner.

(13) On fraud being proved, licensee's name to be struck off the register.

(14) Licensee's name to be registered in the factory office.

RULES.

(15) Free access in factories to Excise Officers and Gazetted Officers.

(16) Licensees to have access in factories only during prescribed hours.

(17) Licensee shall not have pecuniary dealings with Excise Officers.

(18) Licensee to pay rent or assessment as fixed by Government.

(19) Procedure when salt has been in store for more than five years.

(20) No salt to be removed until charges due to Government are paid.

(21) Salt Factory Circle Officer may exercise prior right of selection, when salt is due to Government under the terms of a lease.

(22) Prohibition of removal without permit.

(23) Procedure to be adopted for removal of salt.

(*a*) Presentation of application, payment of duty and cess and issue of delivery order.

(*b*) Check weighment and issue of salt.

(*c*) Production of permit to gate-guard.

(*d*) Detention and reweighment, if salt is tampered with.

(*e*) Minimum quantity fixed for removal.

(*f*) Capacity of bags to be used

(*g*) Purchasers to provide labour for weighment.

(*h*) No removal allowed on holidays, and salt weighed to be removed before sunset.

(*i*) Licensee to furnish labour for conveying and cleaning machines.

(24) Licensee to obey the lawful orders of the factory Officer.

(25) Further conditions in licenses and delivering up the same.

(26) Licensee to execute *Muchilika*,

RULES.

7. Other conditions laid down by Law and Rules may be embodied in license.

8. Special conditions of lease to be embodied in license.

9. Issue of separate licenses for each factory.

10. Fee of one rupee charged for fresh licenses in lieu of those lost.

CHAPTER II.

Transfers and Relinquishments of Licenses.

11. License register for each factory.

12. Register to be kept by Salt Factory Circle Officer and a copy by factory Officer.

13. Fresh licenses to be granted when holdings are added to or parted with.

14. Issue of licenses in case of devolution by inheritance.

15. Applications for transfer.

16. Order of transfer by Salt Factory Circle Officer.

17. Procedure when the application for transfer is disputed.

18. Procedure in granting permission to the *prima facie* heir of a deceased licensee to manufacture salt.

19. Relinquished pans to become the property of Government.

20. No registry of changes of area.

21. Temporary license holder need not execute *Muchilika.*

CHAPTER III.

The Manufacture of Salt.

22. Date of manufacture.

23. No salt to be scraped on holidays except with permission.

24. Scraping to be conducted under supervision.

25. Salt Factory Circle Officer to see to the satisfactory testing of brine by each supervising Officer.

RULES.

26. Removal of salt to the drying ground within prescribed time and after estimation.

27. Excise Commissioner to prescribe drying grounds, platforms and routes for removal.

28. Licensees to conform themselves to instructions issued by the Excise Commissioner.

CHAPTER IV.

The Storage of Salt.

29. Excise Commissioner to set apart drying grounds and storage platforms.

30. Manner of heaping salt on drying grounds.

31. Places where salt should be kept on drying grounds and time of storage.

32. Supervision of storage.

33. Storage of salt by manufacturers jointly.

34. Licensee may demand testing of weights and providing factories with standard weights.

35. Allotment of storage space.

36. Quantity prescribed for each heap.

37. Allotment of hours for storage.

38. No storage during holidays unless the Salt Factory Circle Officer otherwise orders.

39. Procedure when licensee fails to store salt within the period described in the notice given to him.

40. Discretionary power to disallow storage when salt is insufficiently dry.

41. Licensees in Excise or modified Excise Factory to furnish labour for conveying machines and weights and for cleaning them.

42. How salt in store for more than 5 years should be dealt with.

43. Licensees to obey further Rules of storage to be issued by the Excise Commissioner.

RULES.

44. Test weighment of heaps by Circle Officer.

CHAPTER V.

The Removal of Salt from Factories.

A. *Removal on account of sale.*

45. Application for the purchase of salt.

46. No Court fee stamp for applications in respect of salt belonging partly or wholly to Government.

47. Production and admission of empty bags into the factory.

48. Time for presentation of application, receipt of duty, cess, cost-price, and issue of delivery order to weighing Officer.

49. Weighing Officer to call for empty bags and to enter their tare in delivery book.

50. Salt to be removed only from one end of a heap.

51. Consignments to be weighed only in the numerical order of delivery order.

52. Weighing Officer to enter tally of lifts, &c., in the delivery book.

53. Weighing Officer to obtain the signature of licensee and purchaser in the delivery book.

54. Weighing Officer to return delivery order duly endorsed and the factory Officer to conduct check-weighment and issue permit

55. Time for commencement of check-weighment on platforms.

56. Check-weighing Officer to select 20 per cent. of the bags from each consignment, weigh them on the platform machine and enter results in check-weighment register.

57. Certificate of check-weighment in the register by check-weighing Officer.
Hours of check-weighment to be entered in the Factory Officer's diary.

RULES.

58. If the difference found on check-weighment is only one per cent or if the underweighment is more than one per cent, trader may remove salt. In latter case, weighing Officer to explain short delivery.

59. Procedure when check-weighment shows an excess of more than one per cent.

60. Salt to be removed from factory only under cover of a permit in duplicate and the procedure to be followed in the examination and passing of bags by gate guard.

61. Gate guard establishment to work under the direct orders of the Salt Factory Circle Officer.

62. Minimum quantity to be removed under a permit and the capacity of each bag.

63. Weighing machines supplied by Government alone to be used. Purchasers to find labour for weighment and check-weighment.

64. No removal allowed on authorised holidays or on days of bad weather. Hours of removal and order of removal.

65. Licensees in Excise or modified Excise factory to furnish labour for conveying machines and weights and for cleaning them.

66. In monopoly factories, sale of salt to be in the chronological order of storage. No such restriction in Excise or modified Excise factories.

67. Salt Factory Circle Officer to conduct check-weighment, at least, once every month.

68. Factory Officer to see that collections are remitted into Treasury the same day in sealed cash-pots.

B. *Removal for Transport by Sea on account of Government.*

69. Rules for removal on account of sale are applicable to removal on account of transport.

RULES.

70. Contractor to present application 24 hours before delivery. In case of dispute the Circle Officer to determine quantity to be issued to the contractor.

71. Contractor to put up temporary storage shed on the beach. Salt Factory Circle Officer to send Excise Officers to watch the shipping and to help the contractor in guarding the shed.

72. Contractor to keep accounts for salt received and shipped by him and the balance in the shed.

73. Salt to be shipped only in the presence of Excise Officer deputed for the purpose.

74. A boat-note to be issued for each boat carrying salt bags.

75. Boat-note to be signed by the master of the vessel and returned to the Officer who issued it, and by him to be finally forwarded to the Factory Officer.

76. Unseaworthy vessels not to be allowed to convey salt.

77. Procedure in case of loss during shipment.

78. Vessels transporting salt not to have communication with other vessels or places other than destination.

79. Government not responsible for destruction, loss or damage to salt delivered to contractor.

CHAPTER VI.

Import and Export of Salt.

80. Importation and exportation of salt prohibited except in certain cases.

CHAPTER VII.

Disposal of Articles Confiscated.

81. Excise Commissioner shall have power to confiscate articles.

RULES.

82. Articles seized or detained are not to be released except by order of Court or by the Excise Commissioner.

83. Articles ordered to be released should be given up to the owner.

84. Procedure by the Excise Inspector when no one appears to receive property released.

85. Procedure to be followed when no one entitled to receive the property claims it and pays all charges within two months after notice.

86. The sum placed in deposit to be forfeited to Government if not claimed for another two months.

87. Any animal seized to be sold in auction, if owner fails to provide for its upkeep.

88. Net sale proceeds to be placed in deposit and dealt with as per Rule 86.

89. Articles confiscated or detained should be sold or destroyed without delay, but contraband salt fit for consumption may be added to Government stock.

90. When confiscation is an unduly severe penalty, owner may be given the option of paying a moderate fine. Procedure to be followed thereafter. No right of appeal except against the amount of fine.

91. Sale of perishable articles not to be postponed pending an appeal, but sale of non-perishable articles and animals may be postponed if owner deposits sufficient funds for their up-keep or custody.

92. Disposal of articles confiscated when order of confiscation is reversed on appeal.

93. Sale proceeds of articles sold to be paid into the Treasury.

RULES.

CHAPTER VIII.

Grant of Land for Salt Manufacture.

94. No lands to be granted for salt manufacture without Government sanction and right of manufacture to be sold by auction.

(1) No compensation in cases of resumption of the lands by Government or of conversion of the factory into monopoly factory.

(2) Obligation of Government to pay *Kudivarom* to manufacturer and the right of Government to purchase the whole quantity manufactured.

CHAPTER IX.

Port Salt Depots.

I. *Landing and Storage.*

95. Contract rate to include all charges and cost and transport to be in conformity with Salt and Customs Laws and Rules, &c.

96. Unweighed bags to be stacked at the Depot according to the instructions of Officer in charge of Circle.

97. Officer in charge of Circle to direct the gate guard to guard the salt bags stacked outside.

98. Machines used for weighment in the Depots.

99. Weighment to be done by the Depot Officer in the presence of the contractor or his agent.

100. Officer in charge of Circle to supervise the weighment of at least 20 per cent. of the salt stored.

101. Working hours during salt landing season.

102. Weighment register to be maintained in each Depot.

103. Consignments to be landed and weighed in the order of arrival.

104. Tare of bags to be ascertained every day and the net results to be entered in the storage register and signed.

RULES.

105. Selection of sample salt to be forwarded to the Excise Commissioner.

106. Grant of receipt to the contractor.

107. Wastage of salt during transport.

108. Each storage shed to have a number assigned to it. Salt stored to be sealed with the wooden seal in the presence of the Officer in charge of the Circle.

II. *Issues.*

109. Purchasers of salt to obtain chellan from Depot Officer. Fine for the late production of Treasury receipt.

110. Minimum quantity of issue and capacity of bags used for removing salt.

111. Hours for sale.

112. Issue to be in order of storage and no issue before storage.

113. Excise Commissioner to fix the proportion in which different kinds of salt are to be sold.

114. Salt covered by a Treasury receipt not to be issued in instalments.

115. Production and admission of empty bags.

116. Salt to be issued to purchasers only in the order of production of Treasury receipts.

117. Officer in charge of Depot to weigh salt himself or under his responsibility.

118. Entries to be made in the delivery book in the prescribed manner.

119. Machines for weighment and the testing of weights.

120. Providing Depots with standard weights.

121. Salt to be removed before 5 P. M. and under a permit. Duties of the gate guard.

122. Conveyance permit.

123. Examination of the consignment in case of suspicion.

RULES.

124. Procedure to be followed when stock does not exceed 20 per cent. of the quantity stored.

125. Check-weighment by Officer in charge of Circle.

126. Officer in charge of Circle may adopt measures to regulate sales when stock is low.

127. Transport from the Munambom Depot to places beyond the Alwaye and Piravom Divisions.

128. Applicability of these Rules to special contractors for the supply and sale of salt.

129. Applicability of these Rules to storage and sale in bank-shalls.

130. The gate guard establishment to be under the control of Range Inspectors.

131. Issue of salt to Agricultural Department.

132. Procedure on arrival at the Manure Depot.

133. All charges to be borne by the Agricultural Department.

134. Issue of salt from factories to Agricultural Department.

134-A. Salt for Fish Curing Yard to be issued from the factory or Depot approved by the Excise Commissioner.

134-B. Salt to be sold to fish curers at reduced rates.

134-C. Rules for removal on account of sale to be applicable to removal for transport to Fish Curing Yard.

134-D. A separate permit to be issued for each cart.

134-E. Book adjustments of the cost of salt supplied

134-F. Excise Officers of and above the rank of Circle Officers may inspect stock and account of Fish Curing Yards.

RULES.

CHAPTER X.

Reward.

135. Persons to whom rewards may be granted.

136. Definition of "informer" and of "a person actually co-operating in seizure."

137. Excise Commissioner may sanction rewards up to Rs. 100.

138. How the proceeds of confiscated articles should be calculated for purposes of reward.

139. Special Service Fund for Excise Commissioner.

140. No reward to be sanctioned until expiration of appeal period or disposal of appeal.

141. No reward to be granted when Appellate Court quashes conviction and declares evidence to be false.

142. Rewards when to be granted.

143. Rewards to Excise Inspectors.

144. Procedure by Officers for the grant of rewards.

CHAPTER XI.

Miscellaneous.

145. Powers of superior Officers.

146. Appeals.

147. Delegation and withdrawal of powers by Excise Commissioner.

148. Excise Commissioner may prescribe subsidiary Rules, registers, accounts and forms.

149. These Rules not to interfere with the Inter-Statal Rules prescribed by G. O. No. S. R. 8106, dated 1-12-1909.

150. Date on which the Rules come into force.

(Govt. Notifn. No. S. R. 3142, dated 28th November 1919.) (a)

In supersession of all the Rules on the subject, the following Salt Rules are passed under Section 77 of the Salt Regulation, III of 1088, for regulating the matters described in Sub-sections (*a*), (*b*), (*c*), (*g*) and (*h*) thereof, with the sanction of His Highness the Maha Raja under date the 23rd November 1919. They will come into force with effect from the 1st Kumbhom 1095/13th February 1920.

CHAPTER I.

Grant of Licenses and Permits.

[*Sub-section* (*a*)]

Tendering of licenses to manufacture salt for sale to Government.

1. Licenses for the manufacture of salt for sale to Government shall be tendered by the Excise Commissioner to all persons registered as manufacturers of such salt at the time these Rules come into force.

Forfeiture of right to license in case of non-acceptance.

2. If any person registered as salt manufacturer in such a salt factory shall refuse or neglect for the space of one year to accept a license so tendered, he shall forfeit all right to the same.

Conditions of license for manufacture for sale to Government.

3. A license granted for the manufacture of salt for sale to Government shall contain the following conditions:—

Licensee bound by Salt law and Rules.

(1) That the license is granted subject to the provisions of the Travancore Salt Regulation, III of 1088, and that the licensee shall be bound by all Rules which have been passed or which may hereafter be passed under the said Regulation or under any laws relating to salt revenue which may hereafter be passed.

Excise Commissioner may empower other Officers to exercise his power.

(2) That the powers conferred on the Excise Commissioner under the conditions prescribed in the license may also be exercised by any Officer empowered by him in that behalf under Section 5 of the Regulation.

The commencement and closing of manufacture.

(3) That the licensee shall commence and close manufacture within such dates as may be prescribed by the Excise Commissioner.

Quantity and quality of the salt manufactured by the licensee.

(4) That the licensee shall manufacture the quantity of salt specified in the factory register against his name at the rates of *kudivarom* therein prescribed, and shall take care that it is of good quality to the satisfaction of the Officer in charge of the salt factory and shall be responsible for its safe delivery.

(a) *T. G. G., dated 2-12-1919, Pt. I, Pp. 1391-1410.*

(5) That after every fifth scraping, the pans shall be entirely emptied and the bitterns thrown away and fresh brine run in before scraping is resumed. No salt shall be scraped when the density of the brine in the pans exceeds 30° Beaume.

Elimination of bitterns and prohibition against scraping when density exceeds 30°.

(6) That, except with the special permission of the Officer in charge of the factory, no salt shall be scraped on days which have been declared by a Notification of Government as holidays for Officers employed in salt factories.

No scraping on holidays except with permission.

(7) That all salt scraped shall be removed to the drying grounds within such time as the Excise Commissioner may prescribe. The Officer in charge of the Salt Factory Circle may order all salt not so removed to be thrown back into the pans. No salt shall be removed to the drying ground until the quantity scraped has been estimated by the Officer appointed for that purpose. No salt shall be scraped from any pan or set of pans after the estimating Officer has completed the estimation for the day for that pan or set of pans. The daily hour at which estimation shall begin at the factory may be fixed by the Officer in charge of the Salt Factory Circle.

Removal of salt to the drying grounds within prescribed time and after estimation.

(8) That the salt shall be removed from the pans to the drying grounds, and from the drying grounds to the place of storage under such Rules as may, from time to time, be prescribed by the Excise Commissioner and the licensee shall be bound to allow all other licensees and their labourers such reasonable rights of way over the ridges of his pans as may be necessary for the carrying out of such Rules as may, from time to time, be prescribed by the Excise Commissioner under this condition.

Removal to drying grounds and storage platforms to be regulated by Rules.

(9) That should the Excise Commissioner be of opinion that the salt manufactured is of bad quality and therefore unacceptable, the licensee shall forfeit all right to *kudivaram* thereon, and shall supply salt in lieu that shall be of good quality and shall destroy the rejected salt by throwing it back into the reservoirs.

Consequence of manufacturing salt of bad quality.

(10) That on the close of manufacture, the licensee shall drain off all brine from his condensers and crystallising beds, to the satisfaction of the Officer in charge of the factory, in such a manner as to prevent the formation of spontaneous salt. Should salt form in his pans subsequently, the Officer in charge of the factory may destroy it at the licensee's expense.

Prevention of the formation of spontaneous salt.

(11) That the salt manufactured shall be stored in such places and in such manner as the Excise Commissioner may, from time to time, authorise and direct. If the licensee shall fail to store his salt, the Officer in charge of the Salt Factory Circle

Consequence of failure to store salt.

may take such steps as he may consider necessary for its storage, and the cost of such storage, as the case may be, shall be recovered from the licensee.

Licensee can claim *kudivaram* only after the removal of salt from factories.

(12) That the salt shall be weighed both when stored and when sold under the supervision of the Officers of the Excise Department, with the scales provided by Government for the purpose, in such manner and at such times as the Excise Commissioner may, from time to time, direct. But the *kudivaram* due to the licensee at the prescribed rate shall be paid to him only after the removal of the salt from the factory, the total amount of *kudivaram* being calculated on the weighment recorded at the time of such removal.

All disputes to be decided by the Excise Commissioner.

(13) That in case any dispute arising as to the liability of the licensees under Section 21 of the Salt Regulation in respect of the maintenance of salt-works, minor irrigation channels, delivery into store of salt manufactured, the storage of such salt at the appointed places, the protection of the salt stored, providing labour and materials for securing salt or executing repairs and receiving payment for such labour and materials, the matter shall be referred for the orders of the Excise Commissioner whose decision shall be final.

On fraud being proved licensee's name to be struck off the register.

(14) That the licensee shall not employ as servants men against whom frauds have been proved and that if any frauds are proved on the part of the licensee or on the part of his servants with his connivance or privity he shall in addition to any penalty that may by law be imposed on him in that behalf, be also liable to have his name struck off the register of licenses.

Licensee's address to be registered in the factory office.

(15) That the licensee shall register his usual address in a register to be kept at the factory office and keep the Officer in charge of such office informed of all changes in the same.

Free access in factories to Excise Officers and Gazetted Officers.

(16) That all Officers of the Excise Department and all Gazetted Officers of other departments shall have free passage over the works and be at liberty to examine the salt in store at any time.

Licensees to have access in factories only during prescribed hours.

(17) That the licensee and his servants shall have access to the places where salt may be manufactured and stored only during such hours as the Excise Commissioner may fix for the purpose.

Licensee shall not have pecuniary dealings with Excise Officers.

(18) That the licensee shall not have pecuniary dealings of any kind whatever with any Officer of the Excise department.

(19) That the licensee shall obey all lawful orders issued by the Officer in charge of the factory relating to the manufacture and storage of salt and to the general discipline of the factory, subject to appeal to higher authorities.

Licensee to obey the lawful orders of Factory Officers.

(20) That the licensee shall observe and keep all further conditions for the continuing of his license which the Excise Commissioner shall prescribe, and shall, when called upon, deliver up his license for amendment or for the issue of a fresh license in accordance therewith.

Further conditions in licenses and delivering the same.

(21) That the licensee shall sign and deliver to the Excise Commissioner or to any Officer empowered by him in that behalf a *Muchilika* or engagement to observe the above stated conditions of his license in a form which shall be prescribed by the Excise Commissioner and which shall be, as nearly as may be, a counterpart of his license.

Licensee to execute *Muchilika.*

4. Licenses for the manufacture of salt for general sale or partly for general sale and partly for sale to Government, shall be tendered by the Excise Commissioner to all persons registered as manufacturers of such salt at the time these Rules come into force.

Tendering of licenses in Excise or modified Excise factories.

5. If any person registered as a salt licensee in such a salt factory shall refuse or neglect for the space of one year to accept a license so tendered, he shall forfeit all right to secure the same, and the Excise Commissioner may, with the previous sanction of Government, grant a license under Section 7 of the Salt Regulation, III of 1088, for the manufacture of salt in such salt factory to such other persons as he shall think fit.

Forfeiture of right to license in case of non-acceptance and grant of license to other persons.

6. A license granted for the manufacture of salt for general sale or partly for general sale and partly for sale to Government shall contain the following conditions :—

Conditions of license.

(1) That the license is granted subject to the provisions of the Travancore Salt Regulation, III of 1088, and that the licensee shall be bound by all Rules which have been passed or which may hereafter be passed under the said Regulation or under any laws relating to salt revenue which may hereafter be passed.

Licensee bound by Salt Law and Rules.

(2) That the powers conferred on the Excise Commissioner under the conditions prescribed in the license may also be exercised by any Officer empowered by him in that behalf under Section 5 of the Regulation.

Excise Commissioner may empower other Officers to exercise his powers.

(3) That the licensee shall commence and close manufacture within such dates as may be prescribed by the Excise Commissioner. That except for reasons which shall be deemed satisfactory by the Excise Commissioner, the licensee shall not fail to work all his pans every year to their full capacity.

The commencement and closing of manufacture and the liability of licensee to work all his pans.

(4) That after every fifth scraping the pans shall be entirely emptied and the bitterns thrown away and fresh brine run in before scraping is resumed. No salt shall be scraped when the density of the brine in the pans exceeds 30° Beaume.

Elimination of bitterns and prohibition against scraping when density exceeds 30°.

(5) [That as an ordinary rule no salt shall be scraped on Sundays. But, if the weather be threatening, the Officer in charge of the factory may, in his discretion, allow scraping to be carried on and may require the full attendance of the establishments, staffs, etc, on Sundays as on week days.] (a)

Ordinarily no scraping on Sundays.

(6) That all salt scraped shall be removed to the drying grounds within such time as the Excise Commissioner may prescribe. The Officer in charge of the Salt Factory Circle may order all salt not so removed to be thrown back into the pans. No salt shall be removed to the drying ground until the quantity scraped has been estimated by the Officer appointed for that purpose. No salt shall be scraped from any pan or set of pans after the estimating Officer has completed estimation for the day for that pan or set of pans. The daily hour at which estimation shall begin at the factory will be fixed by the Officer in charge of the Salt Factory Circle.

Removal of salt to the drying grounds within prescribed time and after estimation.

(7) That the salt shall be removed from the pans to the drying grounds and from the drying grounds to the place of storage under such Rules as may, from time to time, be prescribed by the Excise Commissioner and the licensee shall be bound to allow all other licensees and their labourers such reasonable rights of way over the ridges of his pans as may be necessary for the carrying out of such rules as may, from time to time, be prescribed by the Excise Commissioner under this condition.

Removal to drying grounds and storage platforms to be regulated by Rules.

(8) That should the Excise Commissioner be of opinion that the salt manufactured is of bad quality and therefore unacceptable, the Excise Commissioner may cause it to be destroyed at the expense of the licensee.

Consequences of manufacturing salt of bad quality.

(a) Modified by Govt. Notifin. R. Dis. No. 382/Devt., dated 21st February 1924.—*T. G. G., dated 26-2-1924, Pt. IV, Excise Dept., P. 110.*

Prevention of the formation of spontaneous salt.

(9) That on the close of manufacture the licensee shall drain off all brine from his condensers and crystallising beds to the satisfaction of the Officer in charge of the factory in such a manner as to prevent the formation of spontaneous salt. Should salt form in his pans subsequently, the Officer in charge of the factory may destroy it at the licensee's expense.

Consequences of failure to store salt.

(10) That the salt manufactured shall be stored in such places and in such manner as the Excise Commissioner may, from time to time, authorise and direct. If the licensee shall fail to store his salt, the Officer in charge of the Salt Factory Circle may, at his option, either destroy the salt or take such steps as he may consider necessary for its storage and the cost of such destruction or storage, as the case may be, shall be recovered from the licensee.

Salt to be weighed twice with Government scales.

(11) That the salt manufactured by the licensee shall be weighed both when stored and when sold under the supervision of the Officers of the Excise Department, with scales provided by Government for the purpose, in such manner and at such times as the Excise Commissioner may, from time to time, direct.

All disputes to be decided by the Excise Commissioner.

(12) That in case of dispute arising as to the liability of the licensee under Section 29 of the Salt Regulation in respect of the construction and maintenance of the roads, channels, reservoirs, embankments, drying grounds, platforms and other works for the manufacture and storage of salt and also all works for the protection of the factory from inundation or for the supply of brine, the matter shall be referred for the orders of the Excise Commissioner whose decision shall be final.

On fraud being proved licensee's name to be struck off the register.

(13) That the licensee shall not employ as servants men against whom frauds have been proved and that if any frauds are proved on the part of the licensee or on the part of the servants with his connivance or privity, he shall, in addition to any penalty that may by law be imposed on him in that behalf, also forfeit his pans.

Licensee's name to be registered in the factory office.

(14) That the licensee shall register his usual address in a register to be kept at the factory office and keep the Officer in charge of the factory informed of all changes in the same.

Free access in factories to Excise Officers and Gazetted Officers.

(15) That all Officers of the Excise Department and all Gazetted Officers of other Departments shall have free passage over the works and be at liberty to examine the salt in store at any time.

(16) [That the licensee and his servants shall have access to the places where salt may be manufactured and stored only during such hours as the Excise Commissioner may fix for the purpose, or at other times with the previous sanction of the Factory Officer on the spot.] (a)

Licensees to have access in factories only during prescribed hours.

(17) That the licensee shall not have pecuniary dealings of any kind whatever with any Officer of the Excise Department.

Licensees to have no pecuniary dealings with Excise Officers.

(18) That the licensee shall engage to pay such rent or assessment as the Government may fix for the use of lands and buildings either belonging to Government or assessable to Government revenue and occupied by the licensee for the purpose of the manufacture and storage of salt.

Licensee to pay rent or assessment as fixed by Government.

(19) That when salt belonging to the licensee has been in store for more than five years, the Excise Commissioner may direct it to be sold by auction, and if no bid is obtained for it, may order its destruction and recover the cost from the licensee. The sale proceeds shall be paid to the licensee or his representative, or, if neither the licensee nor his representative can be found, shall be credited to Government.

Procedure when salt has been in store for more than five years.

(20) That whenever any charges are due to Government under the Salt Regulation, III of 1088, or the Rules passed thereunder, upon the licensee's salt, such salt shall not be removed from the factory until the whole of such charges have been paid.

No salt to be removed until charges due to Government are paid.

(21) When the licensee holds a lease from Government for a term of years and under the conditions of such lease, he is bound to deliver annually any quantity of salt to Government, the Officer in charge of the Salt Factory Circle shall, in case he desires to do so, have the priority of right to select the whole or any portion of such salt before the salt manufactured by the licensee during any season is offered for general sale.

Salt Factory Circle Officer may exercise prior right of selection, when salt is due to Government under the terms of a lease.

(22) That no salt shall be removed from a factory without a permit.

Prohibition of removal without permit.

(23) That the licensee shall conform himself to the following rules of procedure in regard to the removal of salt from the factory :—

Procedure to be adopted for removal of salt.

(a) Modified by Govt. Notifn. R. Dis. No. 382/Devt., dated 21st February 1924.—*T. G. G., dated 26-2-1924, Pt. IV, Excise Dept., P. 110.*

Presentation of application, payment of duty and cess and issue of delivery order.

(a) An application in the prescribed form signed by the licensee and the purchaser of the salt or their authorised agents must be presented to the Officer in charge of the factory together with the amount of the duty due on the salt and the cess thereon, if any, before 8 A. M. on the day of purchase. The cashier will endorse upon the receipt the hour of payment. An order for the delivery of the salt in such form as the Excise Commissioner may prescribe in this behalf, will be sent by the Officer in charge of the factory to the weighing Officer.

Check-weighment and issue of salt.

(b) When the weighment and the bagging of the salt are completed, the weighing Officer shall make an endorsement on the reverse of the delivery order testifying to the fact of the completion of the delivery, sign the same and hand it over to the Officer in charge of the factory who will conduct the check-weighment and issue the permit signed by him. The salt will then be removed.

Production of permit to gate-guard.

(c) One copy of the permit must be produced and delivered up to the Officer in charge of the guard at the gate.

Detention and re-weighment, if salt is tampered with.

(d) Should any bag appear to have been tampered with after check-weighment, the guard Officer shall detain the whole consignment for the orders of the Inspector, who will be at liberty to re-weigh it.

Minimum quantity fixed for removal.

(e) No permit will be granted for the removal of less than 16 maunds of salt at one time.

Capacity of bags to be used

(f) The weighment shall be made in bags containing two maunds each.

Purchasers to provide labour for weighment.

(g) Purchasers of salt shall find all labour necessary for the weighment and the check-weighment of salt.

No removal allowed on holidays, and salt weighed to be removed before sunset.

(h) No removal of salt shall be made on authorised holidays or on days during which, in the opinion of the Officer in charge of the factory, the state of the weather is such as to render the removal inadvisable. All salt weighed out on any day must be removed before sunset on that day.

Licensee to furnish labour for conveying and cleaning machines.

(i) The licensee shall furnish the labour for conveying, replacing and cleaning the machines and weights to be used in the weighment and removal of salt as may be directed by the Officer supervising weighment. He shall be responsible for all damage other than fair wear and tear done to the machines

or weights in the removal of his salt. For the purpose of cleaning, the materials will be supplied by the factory Officer.

Licensee to obey the lawful orders of the Factory Officer.

(24) That the licensee shall obey all lawful orders issued by the Officer in charge of the factory relating to the manufacture and storage of salt and to the general discipline of the factory, subject to appeal to higher authorities.

Further conditions in licenses and delivering up the same.

(25) That the licensee shall agree to observe and keep all further conditions for the continuing of his license which the Excise Commissioner shall prescribe, and shall, when called upon, deliver up his license for amendment or for the issue of a fresh license in accordance therewith.

Licensee to execute *Muchilika.*

(26) [That the licensee shall sign and deliver to the Excise Commissioner or to any other Officer empowered by him in that behalf a *Muchilika* or engagement to observe the above stated conditions of his license in a form which is not inconsistent with the Regulation or these Rules and which shall be prescribed by the Excise Commissioner and which shall be, as nearly as may be, a counterpart of his license.] (a)

Other conditions laid down by Law and Rules may be embodied in license.

7. Such other conditions as are laid down by specific provisions of the Salt Regulation or the Rules passed thereunder may also be embodied, at the discretion of the Excise Commissioner, in the licenses granted for the manufacture of salt for sale to Government or partly for sale to Government and partly for general sale.

Special conditions of lease to be embodied in license.

8. In the case of factories or portions thereof held under lease, the special conditions therein embodied shall also be added to the general conditions of the license.

Issue of separate licenses for each factory.

9. Where the same person owns pans in different factories, separate licenses should be issued for holdings in each factory.

Fee of one rupee charged for fresh licenses in lieu of those lost.

10. When a licensee proves to the satisfaction of the Officer in charge of the Salt Factory Circle that the license issued to him has been lost or accidentally destroyed, such Officer may grant him a fresh license upon payment of a fee of one rupee.

(a) Modified by Govt. Notifn. R. Dis. No 382/ Devt., dated 21st February 1924.—*T. G. G., dated 26-2-1924, Pt. IV, Excise Dept., P. 110.*

CHAPTER II.

Transfers and Relinquishments of Licenses.

[*Sub-section* (*b*).]

License register for each factory.

11. A license register shall be kept for each factory, in such form as may be prescribed by the Excise Commissioner, showing the name of each licensee, has residence, the number, area and boundaries of his pans, the place of storage and such other particulars as the Excise Commissioner may require.

Register to be kept by Salt Factory Circle Officer and a copy by factory Officer.

12. Such register shall be kept by the Officer in charge of the Salt Factory Circle. A copy of the same shall also be kept by the Officer in charge of the factory.

Fresh licenses to be granted when holdings are added to or parted with.

13. Whenever a licensee adds to his holding or parts with the whole or any portion of it, fresh licenses will be granted both to the transferor and the transferee of the lands.

Issue of licenses in case of devolution by inheritance.

14. When pans devolve by inheritance, a fresh license or licenses will also be granted.

Applications for transfer.

15. Applications for the transfer of licenses shall be signed both by the transferor and the transferee. Such applications shall, in the first instance, be presented to the Excise Inspector in charge of the Salt Factory who shall, in cases where the transfer is undisputed, forward the application together with the original and the fair copy of the revised licenses to the Officer in charge of the Salt Factory Circle.

Order of transfer by Salt Factory Circle Officer.

16. The Officer in charge of the Salt Factory Circle shall, if he is satisfied that the application is undisputed, order the transfer prayed for and after making the necessary entries in the license register kept in his office, shall return to the Inspector duly signed the revised license. On receipt of the order and the revised license from the Officer in charge of the Salt Factory Circle, the Officer in charge of the factory shall make the necessary alteration in the factory license register, noting therein the authority for the alteration. Such entries shall be compared and countersigned by the Officer in charge of the Salt Factory Circle when he next inspects the factory.

17. In regard to an application for transfer which is disputed, the Officer in charge of the factory shall forward to the Officer in charge of the Salt Factory Circle the application in question together with a report describing the nature of the dispute. On receipt of such application and such report, the Officer in charge of the Salt Factory Circle shall hold an enquiry and record a finding on the subject-matter of the dispute. For this purpose, he shall be guided by the Rules laid down for the transfer of the registry of land revenue holdings. On receipt of orders from the Officer in charge of the Salt Factory Circle, the Officer in charge of the factory shall make the necessary alterations and entries in his license register. Such entries shall be compared and countersigned by the Officer in charge of the Salt Factory Circle in the manner laid down in Rule 16.

Procedure when the application for tansfer is disputed.

18. During the interval between the death of a licensee and the formal transfer of his license, the *prima facie* heir of the licensee shall be permitted to manufacture in the licensee's pans under a temporary license under Section 15 of the Regulation. The salt made under the original license shall not be disposed of until the following procedure has been adopted.

Procedure in granting permission to the *prima facie* heir of a deceased licensee to manufacture salt.

On the petition of the alleged heir of the deceased, the Proverthikar of the Pakuthi shall be examined by the Officer in charge of the Salt Factory Circle as to the petitioner's title and a notice shall be put up in the Proverthi Cutcherry, in the Factory Office and in the Factory Circle Office for one month inviting objections, if any, thereto, and if no other claimant than the petitioner appears and claims the salt, the petitioner will be recognised as the legitimate heir of the deceased and the salt be made over to him, provided that good and sufficient indemnity against all possible claims by persons who may be found by competent Courts to be the legal representatives of the deceased is furnished by the petitioner.

19. A licensee may at any time be permitted to relinquish his license for the whole or any part of his pans. In the case of relinquishment, the pans shall at once become the property of Government. If the relinquishment be a partial one, a new license shall be issued for the portion not relinquished.

Relinquished pans to become the property of Government.

20. No transfer of license involving a change of area will be registered during the manufacturing season.

No registry of changes of area.

21. The grantee of a temporary license need not execute a *Muchilika*.

Temporary license-holder need not execute *Muchilika*.

CHAPTER III.

The Manufacture of Salt.

[*Sub-Section* (c)]

Date of manufacture.

22. The manufacture in each factory shall be commenced and closed within such dates as the Excise Commissioner may prescribe.

No salt to be scraped on holidays except with permission.

23. Except with the previous sanction of the Officer in charge of the Salt Factory Circle, no salt shall be scraped on days which have been declared by a Notification of Government as holidays for Officers employed in the salt factories, but if the weather be threatening, the Officer in charge of the factory may, in his discretion, allow scraping to be carried on, and may require the full attendance of the establishment and regular estimation, etc., on holidays as on working days.

Scraping to be conducted under supervision.

24. The scraping of salt shall be conducted under the supervision of such Officers as the Excise Commissioner may direct in this behalf.

Salt Factory Circle Officer to see to the satisfactory testing of brine by each supervising Officer.

25. The Officer in charge of the Salt Factory Circle shall prescribe the number of sets of pans, the brine in which has to be daily tested by each Officer told off for the supervision of scraping so that the testing of brine may satisfactorily be attended to in as many crystallising beds as the circumstances of each day's manufacture require.

Removal of salt to the drying ground within prescribed time and after estimate.

26. All salt scraped shall be removed to the drying ground within such time as the Excise Commissioner may prescribe. The Officer in charge of the factory may order all salt not so removed to be thrown back into the pans. No salt shall be removed to the drying ground until the quantity scraped has been estimated by the Officer appointed for that purpose. No salt shall be scraped at any pan or set of pans after the estimating Officer has completed his estimation for the day for that pan or set of pans. The daily hour at which estimation shall begin at each factory will be fixed by the Officer in charge of the Salt Factory Circle.

Excise Commissioner to prescribe drying grounds, platforms and routes for removal.

27. The Excise Commissioner may prescribe :—

(a) The drying ground to which the salt from each licensee's pans shall be removed.

(b) The platform on which it shall be stored.

(c) The route by which such salt shall be removed from the pans to the drying grounds, or from the drying grounds to the place of storage as the case may be.

For the above purposes, the Officer in charge of the factory may direct any licensee to allow free passage for the transport of salt over the ridges of his pans to any other licensee and the labourers of such other licensee, but in such a manner as not to cause any damage to his pans and the salt therein or obstruction to himself and his labourers.

Licensees to comform themselves to instructions issued by the Excise Commissioner.

28. The licensees shall conform themselves strictly to the instructions which may, from time to time, be issued by the Excise Commissioner in regard to the laying out and preparation of condensers and crystallisers, the letting in of brine, the elimination of bitterns, the time of scraping, the construction and maintenance of ridges, bridle paths, channels, receptacles for bitterns, reservoirs, embankments, drying grounds, storage platforms, roads, bunds, fences and such other matters relating to the method of manufacture, the prevention of the formation of spontaneous salt, etc., as are not specially provided for in these Rules.

CHAPTER IV.

The Storage of Salt.

[*Sub-Section* (*c*)]

Excise Commissioner to set apart drying grounds and storage platforms.

29. In every factory the Excise Commissioner shall set apart suitable places to serve as drying grounds and storage platforms.

Manner of heaping salt on drying grounds.

30. Salt removed from the pans shall be heaped on the drying grounds in the form of long ridges, the spaces for which being marked out in the direction of the prevailing winds. The heaping of salt shall be commenced at the windward end Officers in charge of factories will bear in mind that the narrower and longer the spaces are, the more rapidly will the salt heaped thereon dry.

Places where salt should be kept on drying grounds and time of storage.

31. Salt removed to the drying grounds shall be kept there only in such places as may be pointed out by the Officer in charge of the factory upon prior application made by the licensees. Salt shall be removed from the drying grounds only to the place of storage and for the purpose of storage after permission to store has been obtained and at such hours and in such quantities as may be ordered by the Officer in charge of the factory.

In the case of salt manufactured for general sale, the application for permission shall be made in writing.

32. All storage shall be made under the supervision of a Government Officer. No Officer will be detailed to supervise storage unless the quantity proposed to be stored amounts, in the judgment of the Officer in charge of the factory, to at least three garce, the property of a single licensee or of two or more licensees who may have agreed or may have been ordered under Rule No. 33 below, to store their salt jointly. No additional storage will be allowed in any storage space from which any removals may have been made, except after the re-weighment of the remainder of the salt.

Supervision of storage.

33. Manufacturers may at their option store their salt jointly. In cases where the quantity available for storage manufactured by any licensee does not exceed ten garce, and where the space available does not suffice for separate storage, the Officer in charge of the Circle may direct that salt manufactured by two or more licensees shall be stored jointly, the quantity belonging to each being separately shown in the stock account. The same course will be followed with regard to quantities of salt not exceeding ten garce remaining to be stored at the close of manufacture.

Storage of salt by manufacturers jointly.

34. Any licensee whose salt is about to be or is being stored, or is about to be or is being weighed out to a purchaser, may demand to see the scales about to be used or in use tested with the standard weight of the factory. Such demand shall at once be complied with by the Officer charged with the supervision of such storage or weighment. The Excise Commissioner shall provide each factory with the following standard weights :—

Licensee may demand testing of weights and providing factories with standard weights.

2 One maund weight,

1 half maund weight, and

1 quarter maund weight.

35. Applications for storage space shall be made by licensees in writing to the Inspector in charge of the factory who shall allot such storage space according to the order of the applications. Such applications will be received only during the manufacturing season. When a licensee's heap is cleared, he cannot lay any special claim to the space which becomes vacant. The Officer in charge of the factory may allot such space to any other licensee according to the order in which applications are received by him.

Allotment of storage space.

36. Storage shall be made in ten garce heaps or in heaps containing such other quantities as may be prescribed by the Excise Commissioner. Salt heaps shall be covered with palmyra or coconut leaves and shall be stamped with the wooden seal of the factory and secured and fastened in such manner as the Excise Commissioner may direct.

Quantity prescribed for each heap.

37. Licensees desirous of storing salt must give written notice to the Officer in charge of the factory not later than 4 P. M. on the preceding day, stating the quantity they propose to store and the storage space on or in which they propose to store it. That Offic r will then mark on their notice the hour at which they should be present for storage and the number of male and female coolies they should then have ready for the work. Except with the consent of the parties, allotments of hours for storage shall be in the order of application. If the number of applicants be so large that the Officer in charge of the factory should be of opinion that it cannot be completed in one day, he may postpone the storage of the later applicants to the next suitable day. If they fail to be present with the number of coolies specified at the hour named, they will be liable to have their storage postponed until the whole of the rest of the storage appointed for the day is completed, or even to a subsequent day.

Allotment of hours for storage.

38. No storage will be allowed on authorised holidays or on days on which in the opinion of the Officer in charge of the factory the state of the weather is such as to render storage inadvisable unless the Officer in charge of the Salt Factory Circle orders otherwise for special reasons which shall be reported to the Excise Commissioner. Storage shall commence at 7 A. M. and shall continue until noon. All heaps stored must be securely covered on the same day as stored. All salt which has been on the drying ground for ten or more days shall be stored as soon after the expiry of the said period of ten or more days as the factory Officer considers it to be dry enough for storage.

No storage during holidays unless the Salt Factory Circle Officer otherwise orders.

39. Should a licensee fail to store his salt within 6 days of written notice to do so being given to him or his representative, the Officer in charge of the Salt Factory Circle, may take such steps as he may consider necessary for its storage. The cost of such storage shall be recovered from the licensee.

Procedure when licensee fails to store salt within the period described in the notice given to him.

40. The Officer in charge of a factory may refuse to allow the storage of salt which he considers to be insufficiently dry for storage.

Discretionary power to disallow storage when salt is insufficiently dry.

41. The holders of licenses for the manufacture of salt for general sale or partly for general sale and partly for sale to Government shall furnish the labour for conveying the machines and weights to be used in the storage of salt. The licensees shall be responsible for all damages other than fair wear and tear done to machines or weights in the storage of their salt. When the weighment of any licensee's salt is completed, the Officer supervising the weighment will call on the licensee next on the list to convey the

Licensees in Excise or modified Excise Factory to furnish labour for conveying machines and weights and for cleaning them.

machines and weights to the place where the salt is next to be weighed for storage; and on the completion of weighment for the day, will cause the licensee whose salt has last been weighed to replace the machines and weights in the place where they are kept, and to clean them properly with materials supplied by Government.

How salt in store for more than 5 years should be dealt with.

42. When salt belonging to the holder of a license for the manufacture of salt for general sale or partly for general sale and partly for sale to Government has been in store for more than five years, the Excise Commissioner may direct it to be sold by auction, and if no bid is obtained for it, may order its destruction and recover the cost of such destruction from the licensee. The sale proceeds shall be paid to the licensee or his representative or if neither the licensee nor his representative can be found shall be credited to Government.

Licensees to obey further Rules of storage to be issued by the Excise Commissioner.

43. Licensees shall strictly conform themselves to the instructions which the Excise Commissioner may, from time to time, issue in regard to matters relating to storage not provided for in these Rules.

Test weighment of heaps by Circle Officer.

44. The Officer in charge of the Salt Factory Circle shall personally test-weigh in each factory not less than two heaps per annum out of those stored by the Officer in charge of the factory. As far as practicable, the heaps selected for the test-weighment should be such as have passed through at least one monsoon. When possible, the test-weighment may be made simultaneously with the check-weighment when a whole heap is removed at the time of sale or transport for Government purposes.

CHAPTER V.

The Removal of Salt from Factories.

[*Sub-Section (c)*]

A. *Removal on account of Sale.*

Application for the purchase of salt.

45. Persons desirous of purchasing salt from salt factories or their authorised agents shall present to the Officer in charge of the factory an application in writing in such form as may be prescribed by the Excise Commissioner. Such application shall be signed both by the intending purchaser and the licensee or their authorised agents in all cases in which the salt is exclusively the property of the licensee or where it is partly the property of the licensee and partly the property of Government. Where the salt is exclusively the property of Government, the application shall be signed only by the intending purchaser or his authorised agent.

46. No Court fee stamp need be affixed to applications presented in respect of salt which is either wholly the property of Government or partly the property of Government and partly the property of the licensee.

No Court fee stamp for applications in respect of salt belonging partly or wholly to Government.

47. The number of empty bags which the intending purchaser desires to take into the factory for the removal of the salt to be purchased by him shall be entered in the application. The Officer on guard duty at the gate to whom the application shall be shown shall count the number of such bags produced and satisfy himself that it exactly corresponds to the number shown in the application. On the reverse of the application, such Officer shall make an endorsement to the effect that the applicant was permitted to take into the factory only the number mentioned in the application.

Production and admission of empty bags into the factory.

48. The application shall be presented to the Officer in charge of the factory before 8 A. M. on the day of purchase. On receipt of the application, the Officer in charge of the factory shall note thereon the duty, the cess, if any, and in the case of Government salt the cost price due to Government on the quantity proposed to be removed. Such Officer shall pass on the application to the cashier who shall receive from the intended purchaser the amount due to Government as noted by the Factory Officer and after crediting the same in the accounts shall grant a receipt to such purchaser in the prescribed form signed both by the cashier and the Factory Officer. No payment shall be accepted after 10 A. M. The Factory Officer shall then forward to the weighing Officer an order for the delivery of the salt, in the prescribed form.

Time for presentation of application, receipt of duty, cess, cost-price, and issue of delivery order to weighing Officer.

49. On receipt of the delivery order, the weighing Officer shall call on the intending purchaser to produce the empty bags required for the removal of the quantity of salt mentioned in the delivery order. These bags shall be weighed and their tare entered in the delivery book.

Weighing Officer to call for empty bags and to enter their tare in delivery book.

50. For purposes of weighment, salt shall be removed only from one end of a heap. Removal of salt from both ends of a heap or from the sides is strictly prohibited.

Salt to be removed only from one end of a heap.

51. Each consignment shall be weighed only in accordance with the numerical order of the delivery orders unless the Officer in charge of the factory directs otherwise for reasons to be recorded by him.

Consignments to be weighed only in the numerical order of delivery order.

52. As each weighment is made, the weighing Officer shall enter in the delivery book particulars regarding tally of lifts, &c., in such manner as the Excise Commissioner may direct.

Weighing Officer to enter tally of lifts, &c., in the delivery book.

53. When the weighment is completed, the weighing Officer shall, after making the necessary entries in the delivery book, obtain therein the signature of the licensee, if any, and also of the purchaser of the salt who has signed the application, for its removal.

Weighing Officer to obtain the signature of licensee and purchaser in the delivery book.

54. On the bagging of the salt being done, the weighing Officer shall make an endorsement on the reverse of the delivery order to the effect that the delivery has been completed, shall sign the same and hand it over to the Officer in charge of the factory who will conduct the check-weighment and issue the permit signed by him. The salt shall then be removed.

Weighing Officer to return delivery order duly endorsed and the Factory Officer to conduct check-weighment and issue permit.

55. The check-weighment on any given platform should be commenced as soon as a sufficient number of applications on that platform has been attended to. The Officer in charge of the Salt Factory Circle shall previously determine in the case of each platform what number shall be deemed to be sufficient for the purpose of this Rule. In so determining the number, such Officer shall keep in mind that it is of importance that traders and coolies are cleared off the platform with as little delay as possible.

Time for commencement of check-weighment on platforms.

56. The check-weighing Officer shall, before commencing check-weighment compare the delivery orders with the delivery book, count the number of bags in each separate consignment, select from each at haphazard not less than twenty per cent. of the bags, shall mark the bags so selected with chalk and shall cause them to be conveyed in his presence to the place of check-weighment. He shall then weigh the bags on the platform machine kept for the purpose and enter the results in the check-weighment register.

Check-weighing Officer to select 20 per cent. of the bags from each consignment, weigh them on the platform machine and enter results in check-weighment register.

57. Below the results of each day's check-weighment in the register, the check-weighing Officer shall append the following certificate in his own handwriting:—

Certificate of check-weighment in the register by check-weighing Officer. Hours of check-weighment to be entered in the Factory Officer's diary.

"Certified that I issued the permit and passed the bags after personally counting the bags forming each consignment and finding them correct and that I personally selected and marked the bags for check-weighment and satisfied myself that those were the only bags check-weighed by me and that the machine and weights used for check weighment were personally examined by me and found to be correct before the weighment was made."

The hours at which check-weighment was commenced and closed respectively on each platform should be entered daily in the Factory Officer's diary.

If the difference found on check-weighment is only one per cent, or if the under-weighment is more than one per cent, trader may remove salt. In latter case weighing Officer to explain short delivery.

58. If the result of the check-weighment shows that the weight of the selected bags is on the average, not less than, nor more than, one per cent. of the average weight they ought to show or if it should appear that the selected bags show on the average that there has been an underweighment by more than one per cent., the permit shall be issued and the trader allowed to remove the consignment. The Officer who made the original weighment shall be called on to explain the short delivery of salt to the purchaser.

Procedure when check-weighment shows an excess of more than one per. cent.

59. From the result of the check-weighment, should it appear that the selected bags show on the average an excess weighment of more than one per cent, the whole consignment shall be re weighed at the expense of the purchaser and in case any excess is finally found, the quantity so found in excess shall at once be separated from the total quantity originally issued to the purchaser who shall be allowed to remove the remaining quantity to which alone he is entitled. The excess quantity so removed shall be kept apart by the Officer in charge of the factory pending the orders of the Officer in charge of the Salt Factory Circle to whom the matter shall be reported together with the explanation of the Officer who made the original weighment. The Officer in charge of the Circle shall pass such orders as he deems fit for restoring the salt in any heap or heaps on the platform and shall forward a report to the Excise Commissioner on the subject. The Officer in charge of the Salt Factory Circle shall also take steps for the punishment of the Officer who made the original weighment in case his explanation is found to be unacceptable.

Salt to be removed from factory only under cover of a permit in duplicate and the procedure to be followed in the examination and passing of bags by gate guard.

60. No purchaser shall remove any salt from the factory unless the same is accompanied by a permit in duplicate granted by the Officer in charge of the factory. One copy of the permit shall be retained by him while the other copy shall be produced and delivered by him to the Officer in charge of the guard at the gate. The Officer to whom the permit is so delivered, shall satisfy himself that the number of bags taken

out of the factory corresponds to the number mentioned in the permit. Should it appear to such Officer that any bag has been tampered with after check-weighment, he shall detain the whole consignment for the orders of the Officer in charge of the factory who shall be at liberty to re-weigh it. The permits received from the purchasers by the Officer in charge of the guard shall be forwarded by him at the close of the day to the Officer in charge of the Salt Factory Circle with an endorsement on the back of each permit to the effect that the number of bags shown therein has duly been passed. A similar endorsement shall also be made by him on the back of the duplicate copy of the permit carried by the purchaser.

Gate guard establishment to work under the direct orders of the Salt Factory Circle Officer.

61. The establishment forming the gate guards in all the salt factories shall work under the direct orders and control of the Officer in charge of the Salt Factory Circle.

Minimum quantity to be removed under a permit and the capacity of each bag.

62. No permit shall be granted for the removal of less than (16) sixteen maunds of salt at a time and no salt shall be removed from factories except in bags holding two maunds each.

Weighing machines supplied by Government alone to be used. Purchasers to find labour for weighment and check-weighment.

63. Weighing machines provided by Government shall alone be permitted to be used for the weighment of salt before removal. Purchasers of salt shall find all labour necessary for the weighment and check-weighment of salt.

No removal allowed on authorised holidays or on days of bad weather. Hours of removal and order of removal.

64. [No removals will be allowed on authorised holidays or on days during which, in the opinion of the Officer in charge of the factory, the weather is such as to render the removal inadvisable. On other days, removals of salt shall ordinarily take place only at such days and hours as may be fixed by the Excise Commissioner for each factory. All salt weighed out for removal must be removed before sunset and all removals shall be in the order of the applications except when the Officer in charge of the factory, for special reasons to be recorded by him, otherwise directs.] (a)

(a) Amended by Govt. Notifn. R. Dis. No. 1980/Devt., dated 21st September 1927.—*T. G. G. dated 27-9-1927, Pt. I, P. 48.*

Licensees in Excise or modified Excise factory to furnish labour for conveying machines and weights and for cleaning them.

65. The holders of licenses for the manufacture of salt for general sale or partly for general sale and partly for sale to Government shall furnish the labour for conveying, replacing and cleaning the machines and weights to be used in the weighment and removal of salt as may be directed by the Officer supervising weighment. They shall be responsible for all damages other than fair wear and tear done to the machines or weights in the removal of their salt. For the purpose of cleaning machines and weights, the materials will be supplied by the Officer in charge of the factory.

In monopoly factories, sale of salt to be in the chronological order of storage. No such restriction in Excise or modified Excise factories.

66. In factories where licenses are issued for the manufacture of salt for sale to Government, salt shall be sold only in the order of storage. In factories where salt is manufactured for general sale or partly for general sale and partly for sale to Government, the licensees may be permitted to sell their salt in any order they choose, provided that when sale is commenced from one heap, salt from another heap shall not be sold until the whole quantity in the heap already opened has been removed.

Salt Factory Circle Officer to conduct check-weighment, at least, once every month.

67. The Officer in charge of the Salt Factory Circle shall, at least, once every month check-weigh the salt intended for removal from any factory on any day and shall state the results of such check-weighments in his diary. But in cases where a notable difference is observed in the weighments, a special report should be made to the Excise Commissioner.

Factory Officer to see that collections are remitted into Treasury the same day in sealed cash pots.

68. It shall be the duty of the Officer in charge of the factory to see that the collections made on any day are remitted into the Treasury within the prescribed hour on that day in copper cash pots bearing the seal of the Treasury Officers.

B. *Removal for Transport by Sea on Account of Government.*

Rules for removal on account of sale are applicable to removal on account of transport.

69. The rules prescribed for the removal of salt on account of sale shall also regulate the removal of salt on account of transport for Government purposes in so far as they are applicable.

Contractor to present application 24 hours before delivery. In case of dispute the Circle Officer to determine quantity to be issued to the contractor.

70. The transport contractor or his authorised agent shall present the application for the removal of salt at least 24 hours before the delivery is required by him. The Officer in charge of the Salt Factory Circle shall, in case of dispute, determine the quantity of salt which may be delivered to the contractor from any factory on each working day.

71. The contractor may put up a temporary storage shed on the beach at such place and in such manner as may be directed by the Officer in charge of the Salt Factory Circle who will arrange for a sufficient number of Excise Officers being told off for watching the shipping operations and for assisting the contractor in guarding the salt stored in his shed. No empty bags or any article other than the salt bags stored therein shall be permitted to be kept in such temporary shed.

Contractor to put up temporary storage shed on the beach. Salt Factory Circle Officer to send Excise Officers to watch the shipping and to help the contractor in guarding the shed.

72. The contractor or his agent shall, during the period of shipment, keep an account, from day to day, in such form as the Excise Commissioner may prescribe, showing the quantity of salt taken delivery of by him from each salt factory, the quantity shipped and the balance remaining in the storage shed. Such account shall be open to the inspection of the Officer in charge of the salt factory and the Officers to whom such Officer is subordinate.

Contractor to keep accounts for salt received and shipped by him and the balance in the shed.

73. No salt shall be shipped except in the presence of an Excise Officer deputed to supervise the shipping.

Salt to be shipped only in the presence of Excise Officer deputed for the purpose.

74. When bags of salt are water-borne for the purpose of being shipped, the Officer deputed to supervise the shipping shall send with each boat a boat-note specifying the number of the bags containing salt removed for shipment.

A boat-note to be signed for each boat carrying salt bags.

75. Every such boat-note shall be delivered to the master of the vessel transporting salt and such master shall sign the boat-notes and note thereon the number of bags received on board such vessel and return the same for being delivered to the Officer who issued the note. Such Officer shall forward all the boat-notes relating to the total consignment shipped in any one vessel to the Officer in charge of the factory concerned.

Boat-note to be signed by the master of the vessel and returned to the Officer who issued it, and by him to be finally forwarded to the Factory Officer.

76. No vessel which, in the opinion of the Officer in charge of the Salt Factory Circle, is unseaworthy shall be allowed to convey salt.

Unseaworthy vessels not to be allowed to convey salt.

77. Whenever in the course of shipment any salt is lost in the sea, the Officer deputed for supervising the shipping shall immediately forward a report, stating the circumstances relating to the loss which have come within his personal observation, to the Officer in charge of the factory and also to the Officer in charge of the Salt

Procedure in case of loss of salt during shipment.

Factory Circle. On receipt of such report, the Officer in charge of the Salt Factory Circle shall at once repair to the spot and after making a careful enquiry regarding the reported loss, forward a report to the Excise Commissioner detailing such particulars as the circumstances of the case require.

Vessels transporting salt not to have communication with other vessels or places other than destination.

78. The vessel laden with salt after it has left the place of shipment shall not, under any circumstances, call at any port or place along the coast other than the port of destination; nor shall it have communication with any other vessel or place.

Government not responsible for destruction, loss or damage to salt delivered to contractor.

79. It shall be distinctly understood that Government shall not be held responsible for any destruction, loss or damage to any salt taken delivery of by the contractor from the factory for purposes of shipment and transport unless any such responsibility is specially reserved by the conditions of the contract.

CHAPTER VI.

Import and Export of Salt.

[*Sub-Section (c)*].

Importation and exportation of salt prohibited except in certain cases.

80. The importation into and exportation from Travancore of salt is forbidden except

(1) Induppoo and table salt under the Customs Import Tariff on payment of the prescribed duty at the chowkeys,

(2) on account of Government,

(3) by Government contractors under the terms of their contract,

(4) for the immediate personal use of travellers provided that the quantity carried does not exceed ½ seer, and

(5) for consumption within the Devicolam Taluk and the Vandamettu Pakuthi of the Peermade Taluk imported through routes guarded by Chowkeys and on payment of the prescribed duty at those Chowkeys.

CHAPTER VII

Disposal of Articles Confiscated.

[*Sub-Section (g)*]

Excise Commissioner shall have power to confiscate articles.

81. When any article liable to confiscation under the Salt Regulation has been seized, and the offender or the owner of such article, as the case may be, is not known or cannot be found, or has been released under Section 47 of the Regulation, the Excise Commissioner shall have power to confiscate such article,

82. No article seized or detained under the Regulation shall be released otherwise than by the order of the Court trying the case or by the Excise Commissioner in the circumstances stated in the preceding Rule if he does not think confiscation desirable.

Articles seized or detained are not to be released except by order of Court or by the Excise Commissioner.

83. If the release of anything seized or detained is so ordered, it shall at once be given up to the owner or his agent.

Articles ordered to be released should be given up to the owner.

84. Should no one appear to receive the property released, the Excise Inspector having jurisdiction shall do his best to give notice to the owner of the order of release and shall cause a notice thereof to be posted in the village where the seizure of the thing was effected, in the Cutcherry of the Proverthikar of the Pakuthi and in his own office.

Procedure by Excise Inspector when no one appears to receive property released.

85. If within two calendar months from the date of the said notice, no person entitled to receive the property claims it and pays all charges incurred on its custody and keep after the date on which the order for its release was notified as hereinbefore directed, it shall be sold; the amount of all charges so incurred shall be credited to Government, and the net proceeds shall be placed in deposit.

Procedure to be followed when no one entitled to receive the property claims it and pays all charges within two months after notice.

86. If after a further period of two calendar months no person shall have appeared to receive the sum so placed, it shall be forfeited to Government.

The sum placed in deposit to be forfeited to Government if not claimed for another two months.

87. If the owner or person in charge of any animal seized and detained fails to provide from day to day for its keep while detained, it may be sold by public auction, and any expense which may have been incurred on account of it shall be defrayed from the proceeds of the sale.

Any animal seized to be sold in auction, if owner fails to provide for its upkeep

88. The net proceeds of such sale, after defraying all the expenses incurred, shall be placed in deposit and dealt with in accordance with Rule 86.

Net sale proceeds to be placed in deposit and dealt with as per Rule 86.

89. When orders are received from competent authority for the confiscation of anything seized or detained under the Regulation or under these Rules, such property shall, with all convenient despatch, be sold or destroyed as the Officer ordering the confiscation may direct: Provided that, when the property confiscated consists of contraband salt fit for consumption, it shall be competent to such Officer to direct that it be added to the Government stock at any salt factory, salt depot or salt bankshall and be sold in the ordinary way.

Articles confiscated or detained should be sold or destroyed without delay, but contraband salt fit for consumption may be added to Government stock.

90. When the Officer ordering a confiscation under these Rules shall be of opinion that confiscation is an unduly severe penalty with reference to the nature of the case, or to the means of the owner of the property ordered to be confiscated, it shall be lawful for him to offer the owner of such property the option of paying such moderate fine as he may consider equitable. If the owner of such property shall accept such option, he shall be required forthwith to pay such sum as may already have been expended on the safe custody and keep of the property, and to deposit such further sum as may appear likely to be required for such purpose until the payment of the fine. Ten days shall be allowed for the payment of such fine, within which period, if the fine be paid, the property shall at once be given up to the owner together with such part of the sum so deposited as may remain unexpended on such purpose. If the fine be not paid within the said period of ten days, the order of confiscation shall be and remain of full effect in the same way as if no option of the payment of a fine had been offered. There shall be no appeal against the adjudication of an optional fine under this Rule. An appeal may be preferred against the amount of such fine, provided that the fine has been previously paid.

When confiscation is an unduly severe penalty, owner may be given the option of paying a moderate fine. Procedure to be followed thereafter. No right of appeal except against the amount of fine.

91. No sale of any perishable article ordered to be confiscated shall be postponed on account of the preferring of an appeal against the order of confiscation. The sale of any animal or other non perishable thing ordered to be confiscated shall not be postponed on such account unless the owner or his agent shall deposit with the Officer ordering the confiscation such sum as such Officer may consider sufficient for the upkeep or safe custody of such animal or other thing pending the result of such appeal. If the result of such appeal be that the order for confiscation is reversed, the owner shall be entitled to receive back

Sale of perishable articles not to be postponed pending an appeal, but sale of non-perishable articles and animals may be postponed if owner deposits sufficient funds for their upkeep or custody.

out of the sum so deposited only so much as may not have been expended on the upkeep or safe custody of such animal or other thing.

Disposal of articles confiscated when order of confiscation is reversed on appeal.

92. If any order that any article be confiscated is reversed on appeal, such article, if it has not been sold before such reversal comes to the knowledge of the Officer in charge thereof or, if it has been sold, the sale proceeds thereof, shall be dealt with under Rules 83–88.

Sale proceeds of articles sold to be paid into the Treasury.

93. The sale proceeds of all articles sold under these Rules shall be paid into the nearest Government Treasury without delay.

CHAPTER VIII.

Grant of Land for Salt Manufacture.

[*Sub-section (h)*]

No lands to be granted for salt manufacture without Government sanction and right of manufacture to be sold by auction.

94. No lands at the disposal of Government in factories shall be granted for salt manufacture except with the sanction of Government. In making such grants, the right of manufacture shall be sold by auction subject to the following two conditions and such other conditions as may be published by Government in the sale notice.

No compensation in cases of resumption of the lands by Government or of conversion of the factory into monopoly factory.

(1) That in all cases of the resumption of the land by Government or the conversion of the factory into one of the manufacture of salt for sale to Government, no compensation will be paid to the purchaser or the lessee, as the case may be.

Obligation of Government to pay *kudivaram* to manufacturer and the right of Government to purchase the whole quantity manufactured.

(2) That Government shall be under an obligation to pay to the manufacturer a fixed rate of *kudivaram* which shall not be less than 2½ annas per maund for a fixed quantity of salt to be delivered by him annually and that in regard to any additional quantity which may be manufactured by him during the year. Government reserve to themselves the right to purchase the whole or any portion thereof at the same rate of *kudivaram*.

CHAPTER IX.

Port Salt Depots.

[*Sub-Section (c)*]

I. LANDING AND STORAGE.

Contract rate to include all charges and cost and transport to be in conformity with Salt and Customs Laws and Rules, etc.

95. In engaging contractors for the transport of salt to the Port salt depots by sea, the rates offered and accepted shall include all charges and cost connected with the removal of the salt from the place of transport, its shipment, transport, landing, weighment at the depot of delivery and storage in the salt sheds in such depot. It shall also be one of the conditions of the contract that such transport shall be in conformity with the Salt and Customs Laws and Rules, the Boat, Pier, Tramway and Port Rules for the time being in force or as may be modified from time to time.

Unweighed bags to be stacked at the depot according to the instructions of Officer in charge of Circle.

96. Should it be found necessary to stack the salt bags at any place before weighment at the depot of delivery, the stacking shall be done only in such places and on such conditions as are approved of by the Excise Officer in charge of the Circle. No unweighed bags containing salt shall be kept within the enclosure of the depot.

Officer in charge of Circle to direct the gate guard to guard the salt bags stacked outside.

97. When any consignment of salt which is landed has been stacked in the manner described in the last preceding Rule, the Excise Officer in charge of the Circle shall direct the Officer in charge of the gate guard of the depot to guard the salt so stacked. The Officer in charge of the gate guard shall keep a register showing the number of bags landed, the number taken for weighment into the depot and the balance stacked outside.

Machines used for weighment in the depots.

98. In the Alleppey Port salt depot, the weighment will be done by passing the bags in trucks over the weigh-bridge and calculating 82$\frac{2}{7}$ English lbs. to one Indian maund. In the Quilon, Trivandrum and Munambam Port salt depots, platform machines will be used for purposes of weighment.

Weighment to be done by the depot Officer in the presence of the contractor or his agent.

99. Weighment at the depots will be done by the Officer in charge of the depot in the presence of the contractor or his authorised agent.

100. During the salt landing season, the Officer in charge of the Circle shall personally supervise the weighment of, at least, twenty per cent. of the quantity of salt stored in each shed in the depot. Whenever any weighment is done under the supervision of the Officer in charge of the Circle, a report describing the results of such weighment shall be forwarded by such Officer to the Excise Commissioner.

Officer in charge of Circle to supervise the weighment of at least 20 per cent of the salt stored.

101. On all working days during the salt landing season, the weighment shall commence at 8 A. M. and shall not be continued later than 5 P. M.

Working hours during salt landing season.

102. In each depot, a weighment register shall be kept wherein the particulars of each weighment shall be entered in such manner as the Excise Commissioner may direct. At the close of each day's weighment, the entries made on that day shall be totalled up and signed by the Officer conducting the weighment and also the contractor or his authorised agent.

Weighment register to be maintained in each depot.

103. Consignments of salt shall be landed and weighed according to the order of their arrival in Port.

Consignments to be landed and weighed in the order of arrival.

104. Before the close of each day, the tare of the empty bags whose contents were stored during that day shall be ascertained by actual weighment of the bags and the net results showing the total number of bags weighed, the total tare and the total quantity stored, shall be entered in the storage register and signed by the storing Officer and the contractor or his authorised agent.

Tare of bags to be ascertained every day and the net results to be entered in the storage register and signed.

105. Before a ship's consignment of foreign salt is stored, the Officer in charge of the depot shall select salt, to serve as sample, from different portions of the consignment in such manner that the total quantity selected may fairly represent the average quality of the salt forming the ship's consignment. The selection of samples shall, as a rule, be done in the presence of the contractor or his authorised agent. One-fourth seer of salt selected as sample shall be secured in a suitable receptacle which shall be sealed by the Officer in charge of the depot and forwarded to the Excise Commissioner through the Officer in charge of the Circle together with the salt landing statement concerned.

Selection of sample salt to be forwarded to the Excise Commissioner.

Grant of receipt to the contractor.

106. When a ship's consignment of salt has been weighed and stored, the Officer in charge of the depot shall hand over to the contractor a receipt signed by such Officer for the quantity actually delivered.

Wastage of salt during transport.

107. Whenever Bombay salt is transported by steamer, actual wastage not exceeding two per cent of the quantity shipped will be allowed to the contractor. But no wastage will be allowed when such salt is transported by pathamars or other native craft. To contractors transporting by sea Travancore salt from the salt factories in South Travancore to any Port salt depot, actual wastage not exceeding two and a half per cent on each consignment shipped will be allowed.

Each storage shed to have a number assigned to it. Salt stored to be sealed with the wooden seal in the presence of the Officer in charge of the Circle.

108. Each storage shed shall have a number assigned to it. The number so assigned shall be painted in black conspicuously on the door of the shed. After completion of the storage, the salt shall be stamped with the wooden seal of the depot in the presence of the Officer in charge of the Circle. The quantity stored and the date of storage shall be legibly written on thick paper and affixed to the door. The keys of the storage sheds shall remain with the Officer in charge of the depot. But the Officer in charge of the Circle shall, on completion of storage, affix his seal to the door. Such seal shall not be broken open except in the presence of the Officer in charge of the Circle.

II. ISSUES.

Purchasers of salt to obtain chellan from depot Officer. Fine for the late production of Treasury receipt.

109. Persons desirous of purchasing salt from a Port salt depot shall previously obtain a chellan from the Officer in charge of the depot and remit the duty and cost price to the Treasury mentioned therein and produce the Treasury receipt to the Officer who granted the chellan within 5 days (excluding intervening holidays) after the date of the issue of the chellan. When Treasury receipts are produced after the time limit mentioned above, an additional charge of two annas will be recovered from the intending purchaser for each day of delay.

[(a) Persons desirous of purchasing salt from the Munambom depot or their authorised agents shall present to the Officer in charge of the depot, an application in writing in such form as may be prescribed by the Excise Commissioner Such application shall duly be signed by the purchaser.

(b) No Court fee stamp need be affixed to such applications.

(c) The application shall be presented to the Officer in charge of the depot before 8 A. M. on the day of purchase. On receipt of such application the Officer in charge of the depot shall note thereon the amount of issue price due on the salt intended to be removed. Such Officer shall pass on the application to the cashier who shall receive from the intended purchaser the amount so entered and after crediting the same in the accounts shall grant a receipt to the purchaser in the prescribed form signed both by the cashier and the depot Officer. No payment shall be accepted after 12 noon. The depot Officer shall then forward to the weighing Officer an order for the delivery of the salt in the prescribed form.

(d) A special Nalvazhi for the receipt and remittance of money shall be maintained in the Port salt depot for this purpose. The remittance should be made on the very day of receipt of the same from the purchaser.] (a)

Minimum quantity of issue and capacity of bags used for removing salt.

110. No chellan shall be granted for the issue of less than sixteen maunds of salt at a time and no salt shall be removed from depots except in bags holding two maunds each.

Hours for sale.

111. Port salt depots shall be opened for purposes of sale from 11 A. M. to 4 P. M. on all days except recognised holidays.

Issue to be in order of storage and no issue before storage.

112. Sheds shall be opened for issue only in accordance with the order of the completion of storage and no salt shall be issued from a shed in which the storage has not been completed; nor shall any salt be sold which has not been stored in a shed.

Excise Commissioner to fix the proportion in which different kinds of salt are to be sold.

113. It shall be competent for the Excise Commissioner to prescribe, from time to time, the proportion in which Bombay salt and Travancore or Tuticorin salt may be sold from any depot.

Salt covered by a Treasury receipt not to be issued in instalments.

114. Except with the written permission of the Officer in charge of the Circle, the salt covered by a Treasury receipt shall not be issued by instalments.

Production and admission of empty bags.

115. On the date of purchase, the intending purchaser shall produce before the Officer in charge of the guard at the gate, the empty bags required for the removal of the salt to be purchased by him. Such Officer shall count the number of bags and satisfy himself that it exactly corresponds to the number required for the quantity

(a) Added by Govt. Notifn. No. R. Dis. 1399/Devt., dated 17th July 1924.—*T. G. G., dated 22-7-1924, Pt. IV, Excise Dept., P. 272.*

shown in the Treasury receipt. He shall then grant to such purchaser a chit in the prescribed form showing the number of the empty bags permitted to be taken into the depot. The chit shall be produced before the Officer conducting weighment.

Salt to be issued to purchasers only in the order of production of Treasury receipts.

116. Salt shall be issued to purchasers only in accordance with the order in which Treasury receipts are produced by them.

Officer in charge of of depot to weigh salt himself or under his responsibility.

117. On presentation of the Treasury receipt by the intending purchaser, the Officer in charge of the depot may either weigh out the salt himself, or, if he chooses to do so, entrust the work of delivery to any subordinate Officer who is not below the rank of a Petty Officer. In case such work is entrusted to a subordinate Officer, the Officer in charge of the depot shall issue to such subordinate a delivery order and shall also conduct check-weighment in the manner laid down by Rules, 57, 58, 59 and 60. It shall be distinctly understood that the Officer in charge of the depot will be held responsible for the correct weighment of all salt issued from the depot.

Entries to be made in the delivery book in the prescribed manner.

118. As each weighment is made, the weighing Officer shall enter in the delivery book particulars regarding tally of lifts and the tare of empty bags in such manner as the Excise Commissioner may direct and when the weighment is completed, the weighing Officer shall, after making the necessary entries in the delivery book, obtain therein the signature of the purchaser.

Machines for weighment and the testing of weights.

119. Weighing machines provided by Government will alone be used for the weighment of salt in salt depots. Purchasers of salt may test the weights and scales used for weighment. They shall find all labour necessary for the weighment, check-weighment and removal of salt.

Providing Depots with standard weights.

120. Each depot shall be provided with a set of standard weights consisting of

2 one maund weight,
1 half maund weight, and
1 quarter maund weight.

Salt to be removed before 5 P. M. and under a permit. Duties of the gate guard.

121. All salt weighed out on any day must be removed before 5 P M. on that day and no salt shall be removed from the depot unless the same is accompanied by a permit in duplicate granted by the Officer in charge of the depot. One copy of the permit shall be retained by the purchaser while the other shall be produced and delivered by him to the Officer in charge of the guard

at the gate. The Officer to whom the permit is so delivered, shall satisfy himself that the number of bags taken out of the depot corresponds to the number mentioned in the permit. Should it appear to such Officer that any bag has been tampered with after weighment or check-weighment, he shall detain the whole consignment for the orders of the Officer in charge of the depot who shall be at liberty to re-weigh it. The permits received from the purchasers by the Officer in charge of the guard shall be forwarded by him at the close of the day to the Officer in charge of the Circle with an endorsement on the back of each permit to the effect that the number of bags shown therein has duly been passed. A similar endorsement shall also be made by him on the back of the duplicate copy of the permit carried by the purchaser.

Conveyance permit.

122. Whenever any consignment of salt for which a general permit has been granted as described in the last preceding Rule and the purchaser desires to take such salt in more than one conveyance, he shall obtain from the Officer in charge of the guard at the gate also a separate permit showing the quantity loaded in each such conveyance. Such conveyance permit shall be produced by the person in charge of the conveyance while the transit to any Excise Officer who may demand its production, provided that such demand is made on any public route within a radius of one mile from the depot of issue.

Examination of the consignment in case of suspicion.

123. If the Officer to whom the conveyance permit is produced has reasonable grounds to entertain any suspicion which calls for the examination of the particular consignment, the person in charge of such conveyance shall permit the examination being conducted.

Procedure to be followed when stock does not exceed 20 per cent of the quantity stored.

124. The Officer in charge of a depot shall not issue any salt from any storage shed when the accounts show that the stock remaining therein does not exceed 20 per cent of the total quantity stored in it. In such cases, he shall forward an urgent report sufficiently early to the Officer in charge of the Circle intimating to him the fact that the above percentage is about to be reached. On receipt of such report, it shall be the duty of the Officer in charge of the Circle to supervise in person the issue of all salt from the shed, falling within the aforesaid percentage. For this purpose, such Officer shall hold his office at the depot itself until the shed is cleared and the next shed for issue is opened and examined by him. The results of such clearing and such examination shall duly be reported to the Excise Commissioner.

Check-weighment by Officer in charge of Circle.

125. The Officer in charge of the Circle shall, at least once every month, check-weigh the salt issued for removal from any depot on any day and shall state the results of such check-weighment in his diary. But in cases where a notable difference is observed in the weighment, a special report should be made to the Excise Commissioner.

126. Whenever the Officer in charge of the Circle has reason to believe that the stock in any Depot is likely to be exhausted before the next supply comes in, he may, subject to the sanction of the Excise Commissioner, adopt such measures as he deems necessary for regulating sales so as to prevent speculators from obtaining possession of the quantity of salt remaining in the Depot.

Officer in charge of Circle may adopt measures to regulate sales when stock is low.

127. [As the Port Salt Depot at Munambom is intended mainly for the supply of salt to the consumers residing within the limits of the Alwaye Division and whenever possible, to those within the limits of the Piravom Excise Division, it shall be competent to the Excise Commissioner to conserve the salt at the Munambom Depot for the said purpose and prohibit the removal of the salt to places situate beyond the Alwaye or Piravom Division, or of both, whenever he deems such a course necessary.] [(a)]

Transport from the Munambom Depot to places beyond the Alwaye and Piravom Divisions.

128. These Rules shall apply to Depots where under special agreements the storage and sale of salt are permitted to be done by contractors, only in so far as they are not inconsistent with the conditions in such agreements.

Applicability of these Rules to special contractors for the supply and sale of salt.

129. The Rules regulating the storage and issue of salt in the Port Salt Depots shall also regulate the storage and issue of salt in salt bank-shalls so far as they are applicable.

Applicability of these Rules to storage and sale in bankshalls.

130. The establishment forming the gate guards in each Port Salt Depot shall work under the direct orders and control of the Excise Inspector in charge of the range within the limits of which the Port Salt Depot is situate.

The gate guard establishment to be under the control of Range Inspectors.

131. Salt issued at cost price to the Agricultural Department for the preparation of manure for agricultural purposes shall be in bags, each containing two maunds, and sealed with the seal of the Officer in charge of the Depot. It shall be covered by a permit as required by Rule 121 and shall be conveyed from the Depot of issue to the Manure Depot of the Agricultural Department under the escort of an Officer of the Excise Department.

Issue of salt to Agricultural Department.

132. The salt bags on arrival at the Manure Depot, shall be opened only in the presence of the Excise Inspector in charge of the Range within which such Depot is situate. On the salt being re-weighed by the Excise Inspector the Officer in charge of

Procedure on arrival at the Manure Depot.

(a) Amended by Govt. Notifn. C No. 725 dated 21st June 1923—*T. G. G., dated 26-6-1923, Pt. IV, Excise Dept., P. 618.*

the Manure Depot shall have it mixed up with the other substances used in the preparation of the manure so as effectually to render the salt unfit for human consumption. An endorsement showing the result of the re-weighment of the salt and certifying to the fact that the salt has been mixed up with other substances in the manner described above shall then be made on the reverse of the permit and signed by the Excise Inspector and the Officer in charge of the Manure Depot. The Excise Inspector shall forward the permit so endorsed to the Excise Officer in charge of the Circle within whose jurisdiction the Depot of issue is situate.

All charges to be borne by the Agricultural Department.

133. All charges connected with the weighment, transport and re-weighment of the salt shall be borne by the Agricultural Department.

Issue of salt from factories to Agricultural Department.

134. Rules 131, 132 and 133 shall also apply to the issue of salt from the Salt Factories to the Agricultural Department for use in connection with the preparation of manure.

Salt for fish curing yard to be issued from the factory or Depot approved by the Excise Commissioner.

[134-A. The salt required for the Fish Curing Yards shall be issued by the Officers in charge of such of the salt factories or salt Depots as may be approved by the Excise Commissioner on indents received from the Officers in charge of the Fish Curing Yards.

Salt to be sold to fish curers at reduced rates.

134-B. In the Fish Curing Yard, salt shall be sold to curers at such reduced rates as Government may fix from time to time.

Rules for removal on account of sale to be applicable to removal for transport to Fish Curing Yard.

134-C. The Rules laid down for the removal of salt from a salt factory or salt depot on account of sale shall, so far as they are applicable, regulate the removal of salt from a salt factory or a salt depot for transport to the Fish Curing Yard.

A separate permit to be issued for each cart.

134-D. In granting permits for the transport of salt the Officer in charge of the salt factory or salt depot from which the salt is removed shall see that a separate permit accompanies the consignment carried by each cart.

Book adjustments of the cost of salt supplied.

134-E. To enable the Account Officer to make the necessary book adjustments in regard to the cost of salt supplied by the Excise Department to the Fish Curing Yard, in the accounts of the month of supply itself, the Officers in charge of the salt factory or the salt depot should forward to the Account Officer, by the 15th of

every Malabar month, statements of salt supplied by them to the Fish Curing Yards together with the invoices relating thereto, duly countersigned by the Officers who receive the supplies.

Excise Officers of and above the rank of Circle Officers may inspect stock and account of Fish Curing Yards.

134-F. It shall be competent for any Officer of the Excise Department not below the rank of a Circle Officer to examine the stock and accounts of the Fish Curing Yards situated within the limits of his jurisdiction.] (a)

CHAPTER X.

Reward.

[*Sub-Section (h)*]

Persons to whom rewards may be granted.

135. Rewards may be granted to—

(1) Informers.

(2) Persons who have seized or who have actually co-operated in a seizure of property liable to confiscation under the Salt law or who have otherwise actively contributed to the detection of offences and the conviction of offenders under the said law.

(3) Officers not above the rank of Inspectors who successfully prosecute cases of exceptional difficulty.

Definition of "informer" and of "a person actually co-operating in seizure."

136. For the purpose of Rule 135—

An "informer" means the original informant and does not include any person who performs the function of communicating second-hand any information received from another person.

Persons are said to be "actually co-operating in a seizure" when they belong to the party organised to make it, and are at the time of the seizure, if not resent when it is effected, actively engaged in watching houses or in patrolling other localities to prevent the escape of the offenders or in passing from one detachment of the party to another to secure the vigilance of all.

(a) These Rules, for the regulating the supply of salt from the Excise Department to the Fish Curing Yards and the sale of salt to the fish curers, passed in supersession of Notification No. 527/F. & M R., dated 8-2-1919, were issued under Govt. Notifn. R. O. C. No. P. 149 D. S. R., dated 23rd August 1921.—*T. G. G., dated 30-8-1921, Pt. IV, Excise Dept., P. 240.*

137. In any case in which a confiscation has been adjudged by competent authority under any law for the time being in force for the administration or protection of the salt revenue, the Excise Commissioner may grant, in such proportions as he may think fit, to the persons described in Rule 135, a reward that shall not exceed the proceeds of the salt confiscated *plus* the amount for which any other article confiscated in the same case may sell, provided that the aggregate amount of the rewards granted in any one case shall not exceed Rupees 100. He shall obtain the sanction of the Government for rewards exceeding Rupees 100 in any one case.

Excise Commissioner may sanction rewards up to Rs. 100.

138. For the purpose of Rule 137, the proceeds of confiscated salt shall be taken to be the amount of the duty leviable thereon whether the salt be actually sold for consumption or destroyed as not fit for consumption.

How the proceeds of confiscated articles should be calculated for purposes of reward.

139. It shall be competent for the Excise Commissioner to incur, at his discretion, an expenditure not exceeding Rupees 35 in each for the employment of informers or for any puprose connected with the prevention or detection of salt smuggling or of any other offence against the Salt Law, provided that the aggregate expenditure incurred in one year under this head does not exceed Rupees 200.

Special service Fund for Excise Commissioner.

140. In cases subject to appeal, no reward shall be granted unless the appeal, if preferred, has been disposed of, or where no appeal has been preferred, until the expiration of the period fixed for appeal.

No reward to be sanctioned until expiration of appeal period or disposal of appeal.

141. No reward shall be granted when a conviction has been quashed on appeal and the Appellate Court is of opinion that the evidence for the prosecution is false.

No reward to be granted when Appellate Court quashes conviction and declares evidence to be false.

142. Rewards shall, as far as practicable, be granted within 30 days from the date of the order of confiscation in cases not subject to appeal, and in cases subject to appeal, within one month from the date of the appeal decision or the expiration of the period of appeal, as the case may be. But where the confiscation of articles other than salt has been adjudged, no rewards shall be granted until such articles have been sold and the proceeds credited to Government.

Rewards when to be granted.

143. No reward shall be granted to an Officer who is above the rank of an Excise Inspector. Reward shall be granted to an Excise Inspector only in cases in which the authority granting the reward is satisfied that a service of special merit or an act of commendable bravery has been performed by such Inspector in respect of the

Rewards to Excise Inspectors.

prevention or detection of an offence or that he has successfully conducted the prosecution in a case of exceptional difficulty.

144 Whenever a reward is to be granted under Rule 135, the Officer in charge of the Circle shall, as soon as the period mentioned in Rule 142 in regard to a case detected within the limits of his jurisdiction has expired, forward to the Excise Commissioner in such form as the latter may prescribe in this behalf, a statement of the case as also a recommendation respecting the reward to be granted. On receipt of such statement, the Excise Commissioner may pass such orders as he may deem fit under Rule 137 or make his own recommendation to the Government in case he is not competent to pass any orders under the said Rule.

Procedure by Officers for the grant of rewards.

CHAPTER XI.

Miscellaneous.

[*Sub-Section (h)*]

145. Powers granted under these Rules to any Officer of the Excise Department may be exercised by any other Excise Officer to whom the former Officer is subordinate.

Powers of superior Officers.

146. Appeals from the decision of an Excise Inspector under these Rules shall lie to the Officer in charge of the Circle to whom such Inspector is subordinate, and appeals from the original orders of Excise Officers in charge of Circles shall lie to the Excise Commissioner, and appeals from the original orders of the Excise Commissioner shall lie to the Government, provided that the appeal in each case is preferred within thirty days from the date of the order appealed against and is accompanied by a copy of such order.

Appeals.

147. The Excise Commissioner may, from time to time, with the sanction of Government, by Notification, delegate any of the powers conferred on him by these Rules, subject to such limitations as he may think fit, to any Officer subordinate to him and may, with such sanction, withdraw all or any of the powers so delegated.

Delegation and withdrawal of powers by Excise Commissioner.

148. It shall be competent for the Excise Commissioner to prescribe such subsidiary Rules, registers, accounts, returns and forms for registers, accounts, passes, permits, applications, &c., as he deems necessary for the proper carrying out of these Rules, the administration of the Salt department and the collection of the salt revenue.

Excise Commissioner may prescribe subsidiary Rules, registers, accounts and forms.

149. Nothing in these Rules shall be deemed to interfere with any of the provisions in the Rules prescribed under G. O. No. S. R. 8106, dated the 1st December 1909, passed for regulating the transport of salt and other articles from one part of Travancore to another through intervening Cochin territory and from one part of the Cochin State to another through intervening Travancore territory. (a)

These Rules not to interfere with Inter-statal Rules prescribed by G. O. No. S. R 8106, dated 1-12-1909.

150. These Rules shall come into force on 1st Kumbhom 1095/13th February 1920.

Date on which the Rules come into force.

---

(2)

(Dated 5th August 1924) (b)

Under sanction of His Highness the Maha Raja, the following Rules are passed under Section 77 of the Salt Regulation (III of 1088) for the issue of salt duty free for use in manufactures.

1. Manufacturers desirous of procuring salt free of duty for use in their business shall apply to the Excise Commissioner through the Director of Industries, Travancore. Such applications must be stamped according to the provisions of the Court Fees Regulation and should contain the following particulars :—

i. The name and place of the Factory.

ii. Names of Proprietor and Manager.

iii. Name of the industry for which salt is required.

iv. Estimated quantity of salt required per month.

v. Name of the nearest factory or Government Depot from which salt has to be issued.

vi. A declaration that the salt issued will be used solely for the purpose mentioned in item No. iii and not for any other purpose.

The application shall be signed by the Manager in charge of the works.

2. The Director of Industries shall, if he is satisfied that the salt is required for *bona fide* use in the applicant's business and the quantity applied for is not more than is actually required, countersign the application and forward the same to the

(a) For the Rules referred to, see Vol. II, Pp. 631-638.

(b) *T. G. G., dated 12-8-1924, Pt. IV, Excise Dept., Pp, 883-884.*

Excise Commissioner who, on being satisfied from enquiries made that the manufacturer is a person to whom the privilege of duty free issue of salt may be allowed without danger to Government revenue, shall either inspect the works himself or depute the Assistant Excise Commissioner of the Division in which the works are situated to do so and shall satisfy himself that they contain a secure store room for the custody of the salt. He will then issue an order for the delivery of the salt from the factory or depot named by the Manager in his application.

3. When the delivery of the salt is required, the Manager shall give not less than 24 hours' notice, exclusive of Sundays and authorised holidays, to the Officer in charge of the factory or depot at the same time remitting to the nearest Treasury the cost price of the salt at such rate as the Excise Commissioner may from time to time prescribe. A chellan for the remittance shall be obtained from the Officer in charge of the factory or depot. The quantity of salt sanctioned for delivery per month shall be removed in one or more instalments as may be needed.

4. The salt shall be removed from the factory or depot only after the same is denatured to prevent its passing into human consumption in the manner prescribed by the Excise Commissioner and to the satisfaction to the Officer in charge of the salt factory or depot from which the salt is issued.

5. The denatured salt shall be removed from the factory or depot premises in gunny bags to be provided by the Manager after the same is sealed by or under the orders of the said Officer and each bag should contain two Indian Maunds.

6. The Manager shall be bound to convey the salt denatured as described above, or cause it to be conveyed, direct from the factory or depot to his works with unbroken seals. He shall there keep it in the store room approved by the Excise Commissioner and in the bags in which it was removed from the factory or depot. The bags shall not be opened nor shall the seals be broken or removed until the salt is actually required for use.

7. The denatured salt shall be removed from the store room only for use for the purpose and in the manner prescribed in the Manager's application.

8. The manager shall keep an account in a form prescribed by the Excise Commissioner showing the amount of denatured salt so received, the quantity from time to time expended, with the purpose for and the manner in which it has been used and the daily balance in hand, &c. This account and the quantity in store shall at all reasonable times be open to inspection by any Officer of the Excise Department of and above the rank of an Inspector or by any other Officer whom the Excise Commissioner may empower especially in that behalf.

9. In case of the occurrence of any infraction of these Rules the permission to use salt duty free in the manufacture will be liable to be withdrawn by the

Excise Commissioner and all the salt remaining in store will be liable to be destroyed under the orders of the Excise Commissioner. No refund will be made on account of the price of salt so destroyed.

10. If it be found that any salt issued under these Rules is not duly accounted for as having been used for the purpose and in the manner stated in the Manager's application, the Manager shall on demand by the Assistant Excise Commissioner be bound to pay to Government duty on all salt not so accounted for at double the rate of duty on salt for the time being leviable. The Manager will also be liable to punishment under the law for the time being in force and relating to the salt revenue if it shall appear that such salt not accounted for has been otherwise used by him or with his consent or connivance, so as to defraud the salt revenue.

11. The permission to remove salt duty free under these Rules may at any time be cancelled and withdrawn by the orders of the Government without cause assigned, in which case the Manager shall be bound to deliver up to such person, as the Excise Commissioner may in writing appoint to receive the same, all salt removed under these Rules which may then remain unexpended in his custody and shall not be entitled to any payment by way of compensation or otherwise.

II. GOVERNMENT NOTIFICATIONS.

---

(1)

(No. S. R. 216, dated 29th January 1920.)

In exercise of the power conferred by Clause (*a*), Section 4, of the Salt Regulation, III of 1088, it is hereby notified, under sanction of His Highness the Maha Raja, that the Excise Commissioner is appointed to have the supervision of salt manufacture and the control of the administration of the Salt Department and of the collection of the Salt revenue.— *T. G. G., dated 17-2-1920, Pt. I, P. 67.*

---

(2)

(No. S. R. 215, dated 29th January 1920.)

In exercise of the power conferred by Clause (*b*), Section 4, of the Salt Regulation III of 1088, it is hereby notified, under sanction of His Highness the Maha Raja, that Assistant Excise Commissioners, Circle Officers and Excise Inspectors in charge of Ranges, Salt Factories and Salt Depots, are hereby appointed Assistant Excise Commissioners, Circle Officers and Excise Inspectors respectively for the purpose of the said Regulation.— *T. G. G., dated 17-2-1920, Pt. I, P. 67.*

---

(3)

(No. S. R. 214, dated 29th January 1920.)

In exercise of the power conferred by Section 39 of the Salt Regulation, III of 1088, and in supersession of all previous notifications on the subject, it is hereby notified, under sanction of His Highness the Maha Raja, that all Officers of the Police Department not below the rank of a Sub-Inspector and all Executive Land Revenue Officers not below the rank of a Deputy Tahsildar are authorised to make searches without warrant and exercise such other powers as are conferred by the said Section.— *T. G. G., dated 17-2-1920, Pt. I, P. 67.*

(4)

(R. Dis. No. 242, dated 2nd February 1923.)

In exercise of the powers reserved to Government by Section 39 of the Salt Regulation, III of 1088, it is hereby notified that the Sub-Inspectors of the Excise Department are authorised to make searches and to exercise such other powers as are provided for in the said Section.—

T. G. G., dated 6-2-1923, Pt. IV, Excise Dept., P. 447.

(5)

(No. S. R 213, dated 29th January 1920.)

In exercise of the powers conferred by Section 47 of the Salt Regulation, III of 1088, it is hereby notified, under sanction of His Highness the Maha Raja, that the Excise Commissioner, Assistant Excise Commissioners and Circle Officers are appointed for the purpose of the said Section to be superior Officers within the limits of their respective jurisdictions.— *T. G. G., dated 17-2-1920, Pt. I, P. 67.*

(6)

(No. S R. 212, dated 29th January 1920.)

Under Section 51 of the Salt Regulation, III of 1088, it is hereby notified with the sanction of His Highness the Maha Raja that the following Officers of the Excise Department are empowered to summon any person to appear before them to give evidence in any investigation relating to salt revenue within the respective juris diction of such Officers or to produce any document relevant thereto which may be in his possession or under his control.

1. The Excise Commissioner,
2. The Assistant Excise Commissioners,
3. Circle Officers, and
4. Excise Inspectors.

Provided that the distance which the person summoned will have to travel from his usual place of residence shall not exceed forty miles in the case of appearance before Officers in charge of Circles and ten miles in case of appearance before Excise Inspectors.— *T. G. G., dated 17-2-1920, Pt I, P. 67.*

---

(7)

(No. S. R. 211, dated 29th January 1920.)

It is hereby notified under sanction of His Highness the Maha Raja that the following days are declared as holidays for the Officers employed in Salt Factories, Port Salt Depots and Salt bankshalls.

1. All Sundays.
2. Malabar New Year's day.
3. Onam (four days.)
4. Sivarathri.
5. Vishu.
6. Swargavathil Ekadesi.
7. Thai Pongal.
8. Mattu Pongal.
9. New moon in the Month of Makarom.
10. Do. Do. Karkadakom.
11. English New Years's day.
12. Good Friday (for Christians only.)
13. Christmas (2 days for Christians only.)
14. King Emperor's birth day.
15. His Highness the MahaRaja's birth day.
16. Dasara (one day).
17. Deepavali.
18. Solar Eclipse.
19. Lunar do.
20. Avaniavittom (for Brahmins only.)
21. Gayathri Japam (Do.)
22. Ascension Day (for Christians only.)
23. Ash Wednesday. Do.
24. Corpus Christi (for Roman Catholics only).

T. G. G., dated 17-2-1920, Pt. I, P. 67.

REGULATION IV OF 1088. (a)

TOLLS RECOVERY REGULATION.

CONTENTS.

Preamble.

Sections.

1.	Short title, extent and commencement		
2.	Procedure to be followed for recovery of tolls	...	2
3.	Power to appoint collectors ...	...	"
	Collectors' responsibilities		
4.	Procedure in case of non-payment of tolls ...	...	3
	Release of seized property on tender of dues.		
5.	Police-Officers bound to assist toll-collectors ...	...	5
5-A.	Penalty for evading payment of tolls.		
6.	Penalty on unauthorised person demanding tolls and for illegal demand	...	6
7.	Table to be put up at the gate or station ...	...	7
8.	Collectors of tolls may compound for tolls ...	...	*2*
9.	Power of Government to lease the collection of tolls.		
10.	Acts of lessee or his agent.		

A Regulation to provide for the Recovery of Tolls on Public Roads and Bridges

Passed by His Highness the Maha Raja of Travancore, on the 25th December 1912 corresponding with the 11th Dhanu 1088, under Section 13 of Regulation V of 1073.

Preamble

Whereas it is necessary to define the procedure for the realisation of tolls on public roads and bridges in Travancore; We are pleased to enact as follows:—

(a) Amended by Regulation III of 1098. The figures on the right refer to the corresponding Sections of the Indian Tolls Act VIII of 1851 as amended by Acts XV of 1864 and VIII of 1888. The italicised figure 2 against Sec. 8 refers to Act XV of 1864.

Regn. IV of 1088: I. *Objects and Reasons.*—(1) "In view of the heavy expenditure incurred by the Government in the annual maintenance of certain public roads in the State, the Government have directed the levy of tolls on vehicles and animals using those roads.—*Vide* G. O. No. P. W. 5235-A, dated the 12th October 1911,

1. This Regulation may be called "The Tolls Recovery Regulation", and it shall extend to the whole of Travancore, and it shall come into force on the 1st Makarom 1088.

Short title, extent and commencement.

published on page 1423 of the Gazette dated the 17th October 1911. As there is no law at present defining the procedure to be adopted for the realisation of tolls, this Bill has been prepared on the lines of the Indian Tolls Act, VIII of 1851, as amended by Act XV of 1864, to supply the want".—

S. O & R.

[It may be stated here that the Indian Act referred to is "for enabling Government to levy Tolls on Public Roads and Bridges"]

(2) In introducing the Bill, the Official Member in charge said :—" The Bill prescribes the procedure to be followed in the matter of the recovery of tolls which may be levied here from time to time. In the absence of a law, practical difficulties occasionally occur in realising the tolls."—

L. C. P., dated 28-5-1912.

II. The Bill was published on 23-4-1912. It was introduced and referred to a Select Committee on 28-5-1912 (*T. G. G., dated 4-6-1912*). The Committee's Report was published on 23-7-1912, and was presented to, and considered by, the Council on 17-10-1912 (*T. G. G., dated 22-10-1912*). The Bill was finally read and passed on 5-12-1912 (*T. G. G., dated 17-12-1912*). The Regulation was published in the Gazette dated *31-12-1912.*

Regn. III of 1098 : I. *Objects and Reasons.*—In moving that the Bill to amend the Tolls Recovery Regulation be read in Council, the Official Member in charge said: —" It was reported to the Government that some of the buses drove away without paying any toll at the Kuzhittura bridge, and the toll contractor, although he was empowered to seize the buses, did not do so. He demanded the toll later on and wanted that the toll should be recovered under the Revenue Recovery Regulation. Certainly it was not possible to recover the sum summarily under th[illegible]gulation, and the only remedy of the contractor was to file a suit for the recovery. That apart, the person who evaded payment of the toll was not liable to be prosecuted under the Tolls Recovery Regulation, as there was no penalty provided for the non-payment of the toll. This defect is proposed to be cured by the present Bill. The Bill follows Section 89 of the Municipal Regulation wherein it is laid down that, if any person shall, with any carriage, cart or animal, go off or pass from any street on which a toll-bar, gate or gate-keeper's station has been constructed under the provisions of Section 88 through or over any land adjoining thereto, such land not being owned or occupied by such person and not being a public street, with intent to evade the payment of any toll leviable under the provisions hereinbefore contained, such person shall be liable to a fine not exceeding fifty rupees and shall also pay the amount of the toll and cost of the prosecution. Thus driving with an intent to evade payment of fees is liable to be punished by a Court of law. That provision is proposed to be embodied in the Tolls Recovery Regulation. The only object of the Bill is that, in cases of wilful evasion of payment of tolls, the person should be held criminally liable. The Bill does not provide for a summary recovery of the dues."—

L. C. P., dated 19-7-1922.

Vide.—Note under Sec 5-A, *Infra.*

III. The Bill was published in the Gazette dated 4-7-1922. It was read in Council, its principle affirmed and it was referred to a Select Committee on 19-7-1922 (*L. C. P., Vol. I, Pp. 16-17*). The Committee's Report was published on 26-9-1922. It was presented to, and considered by, the Council on 20-11-1922 (*L. C. P., Vol. II, Pp. 53-67*). The Bill was finally read and passed on 10-4-1923 (*L. C. P., Vol. II, Pp. 529-530*). The Regulation was published in the Gazette dated 19-6-1923.

Procedure to be followed for recovery of tolls.

2. The following procedure shall be observed for the recovery of tolls levied upon any road or bridge which has been, or shall hereafter be, made or repaired at the expense of Our Government at such rates as Our Government may fix from time to time.

Power to appoint collectors.

Collectors' responsibilities.

3. Our Government may place the collection of such tolls under the manangement of such persons as may appear to them proper: and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue.

Procedure in case of non-payment of tolls.

4. In case of non-payment of any toll on demand, the Officer appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll; and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the nearest Magistrate, who may sell the property seized for discharge of the toll and expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said Magistrate, on receipt of the property, shall publish a notice affixed in a conspicuous part of the Court-house, that at noon of the tenth day, exclusive of Sunday or any other public holiday, he will sell the property by auction:

Release of seized property on tender of dues.

Provided that, if, at any time before the sale has been actually closed, the person whose property has been seized, shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said Magistrate shall forthwith release the property seized.

Sec. 4: (1) In the Indian Act, the case is to be taken not before the Magistrate but "before the Officer appointed to superintend the collection of the said toll."

(2) The last Clause in the Indian Act runs thus:—"and the said Officer, on receipt of the property, shall forthwith issue a notice that, at noon the next day, exclusive of Sunday or any close holiday, he will sell the property by auction." In the original Bill, a similar provision was adopted; but the Select Committee amended it. They allowed an interval of ten days before the property was auctioned.— *S. C. R., Pr. 4.*

(3) The proviso in the Indian Act provides that the tender of the amount should be "at any time before the sale has actually begun."

(4) *After this Section*, the Indian Act has the following Section:—"No tolls shall be paid for the passage of Police-Officers on duty, or of any person or property in their

5. All Police-Officers shall be bound to assist the toll-collectors, when required, in the execution of this Regulation.

Police-Officers bound to assist toll-collectors.

[5-A. If any person shall, with any carriage or animal, proceed beyond or pass any toll gate or station at which the collection of tolls is authorised, with intent to evade the payment of any toll, such person shall be liable to a fine not exceeding fifty rupees and shall also pay the amount of the toll:

Penalty for evading payment of tolls.

Provided that the establishment of such toll gate or station has been previously notified in Our Government Gazette.]

---

custody, but no other exemption from payment of the tolls levied under this Act shall be allowed." There was a similar provision in the original Bill exempting troops and military stores and equipages on the march and Police-Officers on duty. The Bill also empowered Government to grant and define other exemptions from payment of tolls. The Select Committee omitted the Section as "unnecessary in a Bill which relates only to the recovery of tolls. Further, it is entirely within the power and discretion of Government to allow exemptions."—

S. C. R. Pr. 5.

Sec. 5: The Section in the Indian Act is:—"All Police-Officers shall be bound...... execution of this Act; *and for that purpose, shall have the same power which they have in the exercise of their common police-duties.*"

Sec. 5-A: (1) This was inserted by Regulation III of 1098.—

See Objects and Reasons, *Supra.*

(2) This Section, which does not correspond to any in the Indian Act, was the subject of prolonged discussion in the Council. The Section of the original Bill, as amended by the Select Committee was as follows:—"5-A. If any person shall, with any carriage or animal, go off or pass any toll gate or station at which tolls are authorised to be collected with intent to evade the payment of any toll, such person shall be liable to a fine not exceeding fifty rupees and shall also pay the amount of the toll and costs of prosecution."

The objection raised chiefly related to "costs of prosecution". A Non-official Member moved the omission of these words on the grounds that such a provision was a novel one in criminal law, that the cost was indeterminable and liable to variation, that the provision was one-sided and that it was out of all proportion to the mischief to be prevented. The Member in charge replied that the wording was adopted from the Municipal Regulation which had been in force for a very long time, that no complaints had been received about the working of the latter Regulation, that the provision was put in not in the interests of the Government, but in the *interests of the* licensee who had to prosecute and whose cost had to be defrayed. Discussion followed, and the Member in charge accepted the amendment, and the words were omitted.

The same Non-official Member proposed the addition of the proviso now found in the Section, as, in introducing a new offence, the necessary safeguards must be provided for the subjects of the State, that before a person could be prosecuted the existence of the toll-gate must be a fact that the whole public should be aware of. This was adopted after some discussion. With some further amendments in the wording, the existing Section was passed by the Council.—

L. C. P., dated 20-11-1922.

6. Every person, other than the persons appointed to collect the tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Regulation, seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation, shall be liable, on conviction before a Magistrate, to imprisionment for any term not exceeding six months, or to fine not exceeding two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court.

Penalty on unauthorised person demanding tolls and for illegal demand.

7. A Table of the tolls authorised to be taken at any toll-gate or station shall be put up in a conspicuous place near such gate or station, legibly written or printed in English, Malayalam and Tamil words and figures, to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll.

Table to be put up at the gate or station.

8. The Officer entrusted with the management of the collection of tolls under this Regulation may, with the previous sanction of Our Government, compound for any period not exceeding one year, with any person, for a certain sum to be paid in advance by such person, for any vehicle or animal kept by him, in lieu of the rates of toll on such vehicle or animal.

Collectors of tolls may compound for tolls.

9. It shall be lawful for Our Government to lease the collection of tolls upon any public road or bridge by public auction or private contract, from year to year, on such terms and conditions as Our Government may deem desirable: Provided that the lessee shall give security for the due fulfilment of such terms and conditions and that all sums payable under the terms and conditions of the lease, shall be deemed public revenue and be recoverable as such under the law for the time being in force.

Power of Government to lease the collection of tolls.

10. When the tolls on any public road or bridge have been duly leased, the lessee and every person employed by the lessee as his agent for collecting the tolls shall be deemed to be persons appointed to collect tolls under this Regulation, and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect tolls under this Regulation.

Acts of lessee or his agent.

REGULATION V OF 1088.[a]

THE SEA CUSTOMS REGULATION.

CONTENTS

Preamble.

CHAPTER I.
Preliminary.

Sections.

1. Short title 1
Local extent and commencement.
2. Saving of appointments, &c. 2
3. Interportal Trade Convention not affected by Regulation.
4. Interpretation 3
(a) "Controlling Officer of Customs"
(b) "Chief Customs Officer"
(c) "Customs Inspector"
(d) "Customs-port"
(e) "Port Officer"
(f) "Foreign port"
(g) "Vessel"
(h) "Coasting vessel"
(i) "Master"
(j) "Ware-housing-port"
(k) "Ware-house"

(a) Amended by Regulation IV of 1093. The figures on the right refer to the corresponding Sections of the Indian Sea Customs Act, VIII of 1878, as amended by subsequent enactments.

Sections.

(l) "Derelict"
(m) "Jetsam"
(n) "Flotsam"
(o) "Wreck"
(p) "Freight"
(q) "Primage"
(r) "General average"

5. Agent of owner of goods to be deemed owner for certain purposes 4
6. When ship's agent may act for the Master 5

CHAPTER II.

Appointments and Powers of Officers, &c.

7. Appointment of Officers, &c. 6
8. Delegation of powers under Section 7 7
9. Power to make Rules 9

CHAPTER III.

Declaration of Ports, Wharves, Customs-houses Ware-houses, &c.

10. Power to appoint ports, wharves, Customs-houses, ware-houses, &c., 11
11. Power to declare places to be ports for coasting-trade ... 12
12. Power to declare that foreign ports shall be regarded as Customs-ports for certain purposes 13
13. Power to declare ware-housing ports 14
14. Power to appoint public ware-houses 15
15. Power to license private ware-houses 16
Form of application for license.
Revocation of license.
16. Stations for Customs Officers to board and land ... 17

CHAPTER IV.

Prohibitions and Restrictions of Importation and Exportation.

17. Prohibitions 18
18. Power to prohibit or restrict importation or exportation of goods 19
19. Detention and confiscation of goods whose importation is prohibited 19-A

CHAPTER V.

Levy of, and Exemption from, Customs-duties.

Sections.		
20.	Goods dutiable	20
	Proviso.	
21.	Goods partially composed of dutiable articles	21
22.	Power to fix tariff values	22
23.	General power to exempt from Customs-duties	23
24.	Baggage in actual use	24
25.	(1) Re-imported articles of local produce	25
	(2) Export of foreign produce.	
26.	Excise duty on importation of certain country goods	26
27.	Goods derelict and wreck	27
28.	Country provisions and stores may be shipped free of duty ...	28
29.	Owner to declare real value, &c., of goods in bill-of-entry, or shipping-bill	29
30.	Power to require production of invoice, &c., ...	"
31.	"Real value" defined	30
32.	Examination of *ad valorem* goods	31
33.	Procedure when such goods are under-valued by owner ...	32
34.	Abatement allowed on damaged goods	33
	Reduced duty how determined.	
35.	Deterioration of tariff-valued goods	34
36.	No abatement when duty is levied on quantity ...	35
37.	Restriction on amendment of bill-of-entry, shipping-bill or manifest	36
38.	Alteration of import-duty or tariff valuation	37
39.	Alteration of export-duty or tariff valuation	38
40.	Payment of duties short levied or erroneously refunded ...	39
41.	No refund of charges erroneously levied or paid unless claimed within three months	40

CHAPTER VI.

Drawbacks or Refunds.

A.—Of the Import-duty.

42.	Drawback allowable on re-export	42
	Conditions for grant of drawback.	
43.	Drawback on goods exported to Customs-port and thence to foreign port	43
	Proviso.	

B.—Of the Export-duty.

Sections.

44. Drawback allowable on re-import.

C.—General.

45. Power to declare what goods are identifiable and to prohibit drawback in case of specified foreign port 49

46. When no drawback allowed 50

47. (1) Time to claim drawback 51

(2) When payment made.

CHAPTER VII.

Arrival and Departure of Vessels.

Arrival and Entry of Vessels inwards.

48. Power to fix places beyond which inward bound vessels are not to proceed until manifest delivered 53

Delivery of manifest when vessel anchors outside the place fixed.

49. Delivery of manifest where no place has been so fixed ... 54

50. Signature and contents of manifest 55

Amendment of error in manifest.

51. Duty of persons receiving manifest 56

52. Bulk not to be broken until manifest, &c., delivered and vessel entered inwards 57

53. Master, if required, to deliver bill of lading, &c. ... 58

54. Special pass for breaking bulk 59

55. Manifest may be delivered by the ship's agent 60

Entry outwards, Port-clearance and Departure of Vessels.

56. Order for entry outwards to be obtained before export cargo is shipped 61

57. No vessel to depart without port-clearance 62

58. Application for port-clearance 63

59. Power to refuse port-clearance 64

60. Grant of port-clearance 65

61. Grant of port-clearance on security of ship's agent ... 66

CHAPTER VIII

General Provisions affecting Vessels in Port.

62. Power to depute Customs Officers to board ships ... 67

63. Customs Officer and servant to be received ... 68

Sections.

64. Customs Officer to have free access to every part of ship ... 69
65. Goods not to be shipped, discharged or water-borne except in presence of Officer 70
66. Period allowed for discharge and shipment of cargo ... 71
Consequence of exceeding same.
Allowance for period during which vessel is laid up.
67. Goods not to be landed, &c., on Sundays or holidays ... 72
68. Goods not to be shipped, &c., except at wharves. ... 73
69. Power to exempt from Sections 65 and 68 74
70. Power to make Rules regarding baggage 75
Landing fees.
71. Boat-note 76
72. Goods water-borne to be landed or shipped 77
73. Such goods not to be transhipped without permission ... 78
74. Power to prohibit plying of unlicensed cargo boats ... 79
Issue of licenses and registration of cargo boats.
75. Power to require goods to be weighed or measured, &c. ... 80

CHAPTER IX.

Of Discharge of Cargo and Entry inwards of Goods.

76. Discharge of cargo may commence on receipt of due permission... 81
77. Goods not to leave ship unless entered in manifest ... 82
78. Procedure in respect of goods not landed within time allowed ... 83
79. Power to land small parcels 84
Notice regarding unclaimed packages.
80. Power to permit immediate discharge 85
81. Entry for home-consumption or ware-housing ... 86
82. Assessment of dutiable goods 87
83. Procedure in case of goods not cleared or ware-housed ... 88
Power to direct sale of perishable goods.

CHAPTER X.

Clearance of Goods for Home-consumption.

84. Clearance for home-consumption 89

CHAPTER XI.

Ware-housing.

Of the Admission of Goods into a Ware-house.

85. Application to ware-house 90
86. Form of application 91

Sections.

87. Ware-housing bond 92

Form of bond.

88. Forwarding of goods to ware-house 93

89. Receipt of goods at ware-house 94

90. Goods how ware-housed... 95

91. Warrant to be given when goods are ware-housed ... 96

Form of warrant.

Rules relating to Goods in a Ware-house.

92. Access of Customs Officers to private ware-house ... 97

93. Power to cause package or goods to be opened and examined ... 98

94. Access of owner to ware-housed goods 99

95. Owner's power to deal with ware-housed goods... ... 100

96. Payment of rent and ware-house dues 101

97. Goods not to be taken out of ware-house except as provided by the Regulation 102

98. Period for which goods may remain ware-housed under bond ... 103

Goods in private ware-house on cancellation of license.

Of the Removal of Goods from one Ware-house to another.

99. Power to remove goods from one ware-house to another in the same Port 104

100. Owner to remove goods from one Port to another.

Procedure 105

101. Transmission of accounts of goods to Officers at Port of destination 106

Bond for due arrival and re-ware-housing.

102. Remover may enter into a general bond 107

103. Goods on the arrival at port of destination to be subject to same laws as goods on first importation ... 108

104. Bond under Section 87 to continue in force notwithstanding removal 109

Clearance for Home-consumption or Shipment.

105. Clearance of bonded goods for home-consumption ... 110

106. Clearance of same for shipment to foreign Port ... 111

107. Clearance of same for shipment as provisions, &c., on vessels proceeding to foreign Port 112

108. Form of application for clearance of goods 113

Application when to be made.

109. Re-assessment of ware-housed goods when damaged ... 114

110. Re-assessment on alteration of duty or tariff valuation ... 115

Sections.

111. Allowance in case of wine, spirit or beer ... 116
112. Further special allowance ... 117

Of the Forfeiture and Discharge of the Bond.

113. When goods are improperly removed from ware-house or allowed to remain beyond time fixed ... 118
Or lost or destroyed.
The Customs Officer may demand duty, &c.
114. Procedure on failure to pay duty, &c. ... 119
115. Noting removal of goods ... 120
116. Register of bonds ... 121
Cancellation and return of bonds.

Miscellaneous.

117. Power to remit duties on ware-housed goods lost or destroyed ... 122
118. Responsibility of ware-house-keeper ... 123
Compensation for loss or injury.
119. Public ware-house to be locked ... 124
120. Power to decide where goods may be deposited in public ware-houses 125
121. Expenses of carriage, packing, &c., to be borne by owners ... 126

CHAPTER XII.

Transhipment.

122. Power to permit transhipment ... 128
123. Superintendence of transhipment ... 129
124. Rules as to transhipment ... 130
125. Entry and ware-housing, on arrival, of goods transhipped under Section 122 131
126. Transhipment of provisions, &c. ... 132
127. Levy of transhipment fee 133
128. Power to prohibit transhipment ... 134
129. No goods to be transhipped except as provided ... 135

CHAPTER XIII.

Exportation or Shipment and Re-landing.

130. No goods to be shipped, &c., till entry outwards of vessel ... 136
131. Clearance for shipment ... 137
132. Bond required in certain cases before exportation ... 138
133. Additional charge on goods declared for shipment after port-clearance granted 139

Sections.
134. Notice of non-shipment or re-landing and return of duty thereon 140
135. Goods re-landed or transhipped from a vessel returning to Port, &c. 141
136. Vessels returning to Port may enter and land goods under import Rules 142
137. Landing of cargo during repairs ... 143

CHAPTER XIV.

Coasting-Trade.

138. Chapters VII, IX, X and part of XIII inapplicable to coasting-trade 156
139. Power to regulate coasting-trade ... 157
140. Coasting vessels to deliver manifest and obtain port-clearance before leaving Port of lading 158
141. Delivery of manifest, &c., on arrival ... 159
142. Departure from intermediate Port ... 160
143. Power to require bond before port-clearance is granted ... 161
144. Discharge of cargo 162
145. Goods on coasting vessel, if excisable, not to be unladen without permission 163
146. Grant and revocation of general pass 164
147. Rules respecting cargo books to be kept by Masters of coasting vessels 165
148. Power to board and examine coasting vessels. 166

CHAPTER XV.

Offences and Penalties.

149. Punishment for offences... 167
150. Packages and contents included in confiscation of goods ... 168
Also conveyances and animals used in removal.
Tackle, &c., included in confiscation of vessels.

CHAPTER XVI.

Procedure relating to Offences, Appeals, &c.

151. Power to search on suspicion 169
152. Persons may, before search, require to be taken before Magistrate or Chief Customs Officer or Customs Inspector. ... 170

Sections.

153. Power to stop vessels, carts, &c., and search for goods on reasonable suspicion 171
154. Power to issue search-warrants 172
155. Persons reasonably suspected may be arrested 173
156. Persons arrested to be taken to the nearest Magistrate or Customs Officer 174
157. Persons taken before Magistrate may be detained, &c. ... 175
158. Persons escaping may be afterwards arrested 176
159. Persons in His Majesty's Navy when arrested, to be secured on board until warrant procured 177
160. Seizure of things liable to confiscation 178
161. Things seized how dealt with 179
162. Procedure in respect of things seized by the Police ... 180
163. When seizure or arrest is made, reason in writing to be given ... 181
164. Adjudication of confiscation and penalties 182
165. Option to pay fine in lieu of confiscation 183
166. On confiscation, property to vest in Our Government ... 184
167. Levy of penalty for failure to bring-to 185
168. Penalty under this Regulation not to interfere with punishment under any other law 186
169. Offences not specially provided for, how tried 187
170. Appeal from subordinate to Controlling Officer of Customs ... 188
171. Deposit, pending appeal, of duty demanded 189
172. Power to remit penalty or confiscation 190
173. Revision by Our Government 191
174. Goods not to be removed till payment 192
Other goods of person liable to fine or penalty may be detained.
175. Enforcement of payment of penalty 193

CHAPTER XVII.

Miscellaneous.

176. Power to open packages and examine goods 194
177. Power to take samples of goods 195
178. Owner to pay expenses incidental to compliance with customs law 196
179. No compensation for loss or injury except on proof of neglect or wilful act 197
180. Bar of actions 198
181. Power to make Rules regarding disposal of things confiscated and rewards. ... ... "

Sections.		
182.	Wharfage fees	199
183.	Grant of duplicates of documents	200
184.	Amendment of documents	201
185.	Customs-house agent	202
186.	Agent to produce authority if required	203
187.	Rules to be notified	204
188.	Cancellation of Notifications	„

A Regulation to consolidate the law relating to the levy of Sea Customs duties and the Management of Sea-ports

Passed by His Highness the Maha Raja of Travancore on the 16th April 1913 corresponding with the 4th Medom 1088

Preamble.

Whereas it is expedient to consolidate the law relating to the levy of Sea Customs duties and the Management of Sea-ports; It is enacted as follows :—

CHAPTER I.

Preliminary.

Short title.

1. This Regulation may be called "The Travancore Sea Customs Regulation of 1088."

Local extent and commencement.

It extends to the whole of Travancore; and it shall come into force on the 1st day of Chingam 1089.

Saving of appointments, &c.

2. All appointments, Rules, declarations, exemptions and delegations made, powers conferred, Forms and conditions prescribed, values, fees, rates and period fixed, and Notifications, instructions, directions, prohibitions, passes and licenses issued, before the passing of this Regulation, shall, if the same are in force at the time that this Regulation comes into force, be deemed to have been respectively made, conferred, prescribed, fixed and issued under this Regulation, in so far as they are consistent herewith.

Regn. V of 1088: (1) Though not so stated in the heading of the Regulation as published in the Gazette, the Regulation was passed by His Highness the Maha Raja, without the intervention of the Council, under Sec. 14 of Regulation V of 1073.

(2) The Regulation was published in the Gazette dated 22nd April 1913.

Regn. IV of 1093 : This amending Regulation was published in the Gazette dated 13th August 1918.

3. Nothing herein contained shall affect the provisions of the Interportal Trade Convention for the time being in force between Our Government and the Paramount Power.

Interportal Trade Convention not affected by Regulation.

4. In this Regulation, unless there is something repugnant in the subject or context,—

Interpretation.

(a) "Controlling Officer of Customs" denotes the person authorised to exercise, subject to Our Government, the chief control in matters relating to Sea customs;

"Controlling Officer of Customs."

(b) "Chief Customs Officer" denotes the chief executive Officer of Sea Customs for any port to which this Regulation applies;

"Chief Customs Officer."

(c) "Customs Inspector" includes every Officer of Sea Customs, for the time being in separate charge of a Customs-house, or duly authorised to perform all the duties, or any special duties, of an Officer so in charge;

"Customs Inspector."

(d) "Customs-port" shall mean any place in Travancore, declared, under Section 10, to be a Port for the shipment and landing of goods;

"Customs-port."

(e) "Port Officer" means every Officer for the time being in separate charge of a Customs-port, or any person duly authorised to perform all or any of the duties of an Officer so in charge;

"Port Officer."

(f) "Foreign Port" means any Port beyond the limits of Travancore;

"Foreign port."

(g) "Vessel" includes anything made for the conveyance by water of human beings or property;

"Vessel."

(h) "Coasting vessel" denotes any vessel proceeding from one Customs-port to another Customs-port, whether touching at any intermediate foreign Port or not, or proceeding from one Customs-port to a Port in British India or *vice versa*, or proceeding from or to a Customs-port to or from a place declared to be a Port under Section 11;

"Coasting vessel."

Sec. 4. The definitions of the terms in Clauses (*l*) to (*r*), both inclusive, are not found in Sec. 3 of the Indian Act.

"Master."

(i) "Master," when used in relation to any vessel, means any person, except a Pilot or Harbour-Master having command or charge of such vessel ;

"Ware-housing Port."

(j) "Ware-housing port" means any Customs-port declared to be a ware-housing Port under Section 13;

"Ware-house."

(k) "Ware-house" denotes any place appointed or licensed under Section 14 or 15 ;

"Derelict."

(l) "Derelict" means a thing voluntarily abandoned or utterly forsaken by its proper owner ;

"Jetsam."

(m) "Jetsam' means goods thrown overboard, in case of extreme peril, in order to lighten and preserve a vessel, and which remain under water ;

"Flotsam."

(n) "Flotsam" means goods lost by ship-wreck and floating on the sea ;

"Wreck."

(o) "Wreck" signifies the ruins of a destroyed vessel ;

"Freight."

(p) "Freight" means the sum agreed or paid for the hire or use of a vessel, in whole or in part;

"Primage."

(q) "Primage" means a charge in addition to the freight;

"General average."

(r) "General average" means a contribution made by all parties concerned in a sea adventure, towards a loss, by the voluntary sacrifice of the property of some of the parties in interest, for the benefit of all.

Agent of owner of goods to be deemed owner for certain purposes.

5. When any person is expressly or impliedly authorised by the owner of any goods to be his agent in respect of such goods, for all or any of the purposes of this Regulation, and such authorisation is approved by the Chief Customs Officer or by the Customs Inspector, such person shall, for such purposes, be deemed to be the owner of such goods.

When ship's agent may act for the Master.

6. Anything which a Master is required or empowered to do under this Regulation may, with the express or implied consent of such Master and the approval of the Chief Customs Officer or of the Customs Inspector, be done by a ship's agent.

CHAPTER II.

Appointments and Powers of Officers, &c.

Appointment of Officers, &c.

7. Our Government may appoint such persons as they think fit to be Officers of Sea Customs and to exercise all or any of the powers conferred, and to perform all or any of the duties imposed, by this Regulation, on such Officers. Every person so appointed may be suspended or dismissed by Our Government.

Delegation of powers under Section 7.

8. Our Government may delegate to any Officer any of the powers vested in them by Section 7 of this Regulation. Every person appointed in the exercise of such delegated powers may be suspended or dismissed by the Officer who appointed him.

Power to make Rules.

9. Our Government may make Rules, consistent with this Regulation,

(a) prescribing and limiting the powers and duties of Officers of Sea Customs;

(b) authorising and regulating the delegation of their duties by such Officers; and

(c) generally to carry out the provisions of this Regulation.

Such Rules shall be published in the Gazette.

CHAPTER III.

Declaration of Ports, Wharves, Customs-houses, Ware-houses, &c.

Power to appoint Ports, wharves, Customs-houses, ware-houses, &c.

10. Our Government may, by Notification in the Gazette,—

(a) declare the places which alone shall be ports for the shipment and landing of goods;

(b) declare the limits of such Ports;

Sec. 8. After the corresponding Sec. 7 in the Indian Act, there is a Section (8) which provides for the performance, by the District Collector and his subordinate Officers, of the duties of Customs-collector, at any place for which there is no Customs-house.

(c) declare proper places therein to be wharves for the landing and shipping of goods, or of particular classes of goods;

(d) declare the limits of any such wharf;

(e) alter the name of any such Port or wharf; and

(f) declare what shall, for the purposes of this Regulation, be deemed to be a Customs-house, and the limits thereof.

Power to declare places to be Ports for coasting trade.

11. Our Government may, by Notification in the Gazette, declare places to be Ports for the carrying on of coasting trade with Customs-ports, or with any specified Customs-port, and for no other purpose.

Power to declare that foreign ports shall be regarded as Customs-ports for certain purposes.

12. Our Government may direct, by Notification in the Gazette, that all goods or any specified class of goods, imported from or exported to any foreign Port, to or from a Customs-port, shall, with such limitations and on such conditions (if any) as Our Government may think fit to prescribe, be treated, for any of the purposes of this Regulation, as goods imported from or exported to a Customs-port as the case may be.

Power to declare warehousing ports.

13. Our Government may declare, by Notification in the Gazette, that any Customs-port shall be a ware-housing port for the purposes of this Regulation.

Power to appoint public ware-houses.

14. At any ware-housing port, the Controlling Officer of Customs may appoint public ware-houses, wherein dutiable goods may be bonded or deposited without payment of duty on the first importation thereof, and may cancel such appointment.

Power to license private ware-houses.

15. At any ware-housing port, the Controlling Officer of Customs or the Chief Customs Officer may license private ware-houses wherein dutiable articles may be deposited as aforesaid.

Form of application for license.

Every application for a license for a private ware-house shall be in writing, shall be drawn up in such Form as may be prescribed by the Controlling Officer of Customs, and shall be signed by the applicant.

Revocation of license.

Every license granted under this Section may be cancelled on conviction of the licensee of any offence under this Regulation relating to ware-houses, unless it is otherwise

provided in the license, or on the expiration of one month's notice in writing given to the licensee by the authority which granted the license.

Stations for Customs Officers to board and land.

16. Our Government may appoint, in or near any Customs-port, stations or limits at or within which vessels arriving at, or departing from, such Port shall bring-to for the boarding or landing of Officers of Customs, and may direct at what particular place in any such Port, vessels not brought into Port by pilots shall anchor or moor.

CHAPTER IV.

Prohibitions and Restrictions of Importation and Exportation.

Prohibitions.

17. No goods specified in the following Clauses shall be brought, whether by land, or by back-water, or by sea, into Travancore :—

(*a*) any book printed in infringement of any law in force in Travancore on the subject of copyright, when the proprietor of such copyright or his agent has given to the Controlling Officer of Customs a notice in writing that such copyright subsists and a statement of the date on which it will expire;

(*b*) counterfeit coin, or coin which purports to be the King's coin of British India but which is not of the established standard in weight or fineness;

(*c*) any obscene book, pamphlet, paper, drawing, painting, representation, figure or article;

(*d*) goods having applied thereto a counterfeit trade-mark within the meaning of the Travancore Penal Code or a false trade-description;

Sec. 17 : (1) In Sec. 18 of the Indian Act, Clause (*a*) has been repealed by Act III of 1914.

(2) The Explanation in Clause (*d*), not found in the Indian Act, was taken from Sec. 2 of the Indian Merchandise Marks Act IV of 1889.

(3) In the Indian Act one more Clause has been added to the Section by Act V of 1913—"(*g*) matches made with white phosphorus."

Explanation:—'False trade-description' means a trade-description which is untrue in a material respect as regards the goods to which it is applied; and it includes every alteration of a trade-description, whether by way of addition, effacement or otherwise, where that alteration makes the description untrue in a material respect; and the fact that a trade-description is a trade-mark or part of a trade-mark shall not prevent such trade-description being a false trade-description under this Regulation;

(e) goods made or produced beyond the limits of the United Kingdom or of India, and having applied thereto any name or trade-mark being or purporting to be the name or the trade-mark of any person who is a manufacturer, dealer or trader in the United Kingdom or in India, unless—

(1) the name or trade-mark is, as to every application thereof, accompanied by a definite indication of the goods having been made or produced in a place beyond the limits of the United Kingdom or of India, and

(2) the country in which that place is situated is in that indication indicated in letters as large and conspicuous as any letter in the name or trade-mark, and in the same language and character as the name or trade-mark;

(*f*) piece-goods, such as are ordinarily sold by length or by the piece, which—

(1) have not, conspicuously stamped in English numerals on each piece, the lengtht hereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, and

(2) have been manufactured beyond the limits of India, or have been manufactnred within those limits but out of Travancore, in premises which, if they were in Travancore, would be a factory as defined in the Factory law, for the time being, of Travancore.

Power to prohibit or restrict importation or exportation of goods.

18. Our Government may, by Notification in the Gazette, prohibit or restrict the bringing or taking by sea, by back-water or by land, of goods of any specified description, into or out of Travancore, or into or out of any specified part of Travancore.

Detention and confiscation of goods whose importation is prohibited.

19. (1) Before detaining any such goods as are or may be specified in or under Section 17 or 18, as the case may be, or taking any further proceedings with a view to the confiscation thereof under this Regulation, the Chief Customs Officer, or the Customs Inspector, or other Officer appointed by Our Government in this behalf, may require the Rules under this Section, whether as to information, security, conditions or other matters, to be complied with, and may satisfy himself in accordance with those Rules that the goods are such as are prohibited to be imported.

(2) Our Government may make Rules, either general or special, respecting the detention and confiscation of goods the importation of which is prohibited and the conditions, if any, to be fulfilled before such detention and confiscation, and may, by such Rules, determine the information, notice and security to be given and the evidence requisite for any of the purposes of this Section and the mode of verification of such evidence.

(3) Where there is on any goods a name which is identical with, or a colorable imitation of, the name of a place in the United Kingdom or in India, that name, unless accompanied, in equally large and conspicuous letters and in the same language and character, by the name of the country in which such place is situate, shall be treated for the purpose of Sections 17 and 18 as if it were the name of a place in the United Kingdom or in India.

(4) Such Rules may apply to all goods the importation of which is prohibited by Section 17 or under Section 18; or different Rules may be made respecting different classes of such goods or of offences in relation to such goods.

(5) The Rules may provide for the informant reimbursing any public Officer and Our Government, all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention

(6) All Rules under this Section shall be published in the Gazette.

CHAPTER V.

Levy of and Exemption from Customs duties.

Goods dutiable.

20. [(1)] Except as hereinafter provided, Customs-duties shall be levied, at such rates, [and from such dates, whether previous or otherwise,] as may be prescribed by Our Government by Notification in the Gazette, on—

(a) goods imported or exported by sea, into or from any Customs-port, from or to any foreign Port;

(b) tobacco, opium, ganja, salt or salted fish, and spirit imported by sea from any Customs-port into any other Customs-port;

(c) goods brought from any foreign Port to any Customs-port, and, without payment of duty, there transhipped for, or thence carried to and imported at, any other Customs-port; and

(d) goods brought in bond from one Customs-port to another:

Proviso.

Provided that no such duties shall be levied on goods belonging to Our Government.

[(2) In cases where the Notification referred to in Sub-section (1) authorises the levy of Customs duty with retrospective effect, any sums due on account of new duties leviable thereunder or of any deficiency between the duties which have been paid and the duties which are leviable thereunder shall be deemed to be duties short-levied within the meaning of Section 40 of the Regulation.]

Goods partially composed of dutiable articles.

21. Except as otherwise expressly provided by any law for the time being in force, goods whereof any article liable to duty under this Regulation forms a part or ingredient, shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article; if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

Power to fix tariff-values.

22. Our Government may, by Notification in the Gazette, fix, for the purpose of levying duties, tariff-values of any goods exported or imported by sea on which Customs-duties are imposed, and alter any such values.

General power to exempt from Customs-duties.

23. Our Government may,—

(a) by Notification in the Gazette, exempt any goods imported into, or exported from, Travancore, or into or from any specified Port therein, from the whole or any part of the Customs-duties leviable on such goods;

Sec. 20 : (1) The words within brackets in the 1st para of Sub-Sec. (1) and Sub-Sec. (2) were added by Regulation IV of 1093 and are not found in the Indian Act.

(b) also, by special order in each case, exempt from the payment of duty, under circumstances of an exceptional nature to be stated in such order, any goods on which Customs-duties are leviable.

Baggage in actual use.

24. The Chief Customs Officer or the Customs Inspector may, subject to any general Rules relating to the landing and shipping of passengers' baggage and the passing of the same through the Customs house, which may be made under Section 70, pass, free of duty, any baggage in actual use, and for this purpose may determine, subject to any such Rules, whether any goods shall be treated as baggage in actual use, or as goods subject to duty.

Re-imported articles of local produce.

25. (1) If goods, which had been produced or manufactured in Travancore, be imported into any Customs port from any foreign Port, such goods shall be liable to all the duties, conditions and restrictions (if any) to which goods of the like kind and value not so produced or manufactured are liable on the importation thereof: Provided that, if the importation takes place within one year after the previous exportation of such goods, and it is proved to the satisfaction of the Controlling Officer of Customs that the property in such goods has continued in the person by whom or on whose account they had been exported, the goods may, at the discretion of the Controlling Officer of Customs, be admitted without payment of the import duty.

Export of foreign produce.

(2) If goods, which had been produced or manufactured beyond the limits of Travancore, are exported from any Customs port, such goods shall be liable to all the duties, conditions and restrictions (if any) to which goods of the like kind and value produced or manufactured in Travancore are liable on the exportation thereof: Provided that, if the exportation takes place within one year after the previous importation of such goods, and it is proved to the satisfaction of the Controlling Officer of Customs that the property in such goods has continued in the person by whom or on whose account they had been imported, the goods may, at the discretion of the Controlling Officer of Customs, be allowed to be exported without payment of duty.

Sec. 25: (1) In the corresponding Proviso in the Indian Act, the period allowed for import is 'three years.'

(2) Sub-Sec. (2) is not found in the Indian Act.

26. Any goods, produced or manufactured in Travancore, which have been exported therefrom and on the exportation of which any drawback of excise has been received, shall, on being imported into any Customs port, be subjected, unless Our Government, in any particular case, otherwise direct by special order, to payment of excise duty at the rate to which goods of the like kind and quality are liable at such Port.

Excise duty on importation of certain country goods.

27. All goods derelict, jetsam and wreck, brought or coming into any place in Travancore, shall be subject to the same duties, if any, to which goods of the like kind are for the time being subject on importation at any Customs port, and shall in other respects be dealt with as if they were imported from a foreign Port, unless it is shown to the satisfaction of the Controlling Officer of Customs that such goods are the produce or manufacture of any place from which they are entitled to be admitted duty free.

Goods derelict and wreck.

28. Provisions or stores produced or manufactured in Travancore, required for use on board of any vessel proceeding to any foreign Port, may be shipped free of duty, whether of customs or excise, in such quantities as the Chief Customs Officer may determine with reference to the tonnage of the vessel, the numbers of the crew and passengers, the intermediate Ports it is to call at, or the length of the voyage on which the vessel is about to depart.

Country provisions and stores may be shipped free of duty.

29. On the importation into, or exportation from, any Customs port of any goods, whether liable to duty or not, the owner of such goods shall, in his bill-of-entry or shipping-bill, as the case may be, state the real value, quantity and description of such goods to the best of his knowledge and belief, and shall also subscribe a declaration of the truth of such statement at the foot of such bill.

Owner to declare real value, &c, of goods in bil-of-entry, or shipping-bill.

30. In case of doubt, the Chief Customs Officer or the Customs Inspector may require the owner of any such goods, or any other person in possession of any invoice, broker's note, policy of insurance or other document, whereby the real value, quantity or description of any such goods can be ascertained, to produce the same, and to furnish any information relating

Power to require production of invoice, &c.

Sec. 27: The Indian Act includes 'flotsam' also.

to such value, quantity or description, which it is in his power to furnish. And thereupon, such person shall produce such document and furnish such information:

Provided that, if the owner makes and subscribes a declaration before the Chief Customs Officer or the Customs Inspector to the effect that he is unable, for want of full information, to state the real value or contents of any case, package or parcel of goods, then, the Chief Customs Officer or the Customs Inspector shall permit him, previous to the entry thereof,—

(1) to open such case, package or parcel, and examine the contents in the presence of an Officer of Customs, or

(2) to deposit such case, package or parcel in a public warehouse appointed under Section 14 without ware-housing the same, pending the production of such information.

"Real value" defined.

31. For the purpose of this Regulation, the real value shall be deemed to be—

(a) the wholesale cash price, less trade discount, for which goods of the like kind and quality are sold, or are capable of being sold, at the time and place of importation or exportation, as the case may be, without any abatement or deduction whatever, except (in the case of goods imported) of the amount of the duties payable on the importation thereof; or

(b) where such price is not ascertainable, the cost at which goods of the like kind and quality could be delivered at such place, without any abatement or deduction except as aforesaid.

Examination of *ad valorem* hoods.

32. Goods chargeable with duty upon the value thereof, but for which a specific value is not fixed for the purpose of levying the duty thereon, shall, without unnecessary delay, be examined by an Officer of Customs.

If it appears that the real value of such goods is correctly stated in the bill-of-entry or shipping-bill, the goods shall be assessed in accordance therewith.

Procedure when such goods are under-valued by owner.

33. If it appears that any goods are properly chargeable with a higher rate or amount of duty, than that to which they would be subject according to the value thereof as stated in the bill-of-entry or shipping-bill, the Officer of Customs may detain such goods.

In every such case, the Officer of Customs shall forthwith give notice in writing to the owner of the goods of their detention and of the value thereof as estimated by him ; and the Controlling Officer of Customs shall, within such reasonable period as may, with the consent of the parties, be arranged, determine either to deliver such goods on payment of the duty charged according to the entry of such owner, or to retain the same for the use of Our Government.

If the goods are retained for the use of Our Government, the Controlling Officer of Customs shall cause the full amount stated in the bill as their real value to be paid to the owner in full satisfaction for such goods, in the same manner as if they had been transferred by ordinary sale, and shall, after due notice and without unnecessary delay, cause them to be put up to public auction in wholesale lots for cash on delivery.

If the Controlling Officer of Customs deems the highest offer made at such sale to be inadequate, he may either adjourn the sale to some other day to be notified, or buy in the goods, or otherwise dispose of them for the benefit of Our Government.

If the proceeds arising from such sale exceed the sum paid to the owner together with (in the case of goods imported) the duty to which the goods are liable and all charges incurred by Our Government in connection with them, a portion, not exceeding one-half of the over-plus, shall, at the discretion of the Controlling Officer of Customs, be payable to the Officer who detected the under-valuation of the goods.

Nothing in this Section shall prevent the Controlling Officer of Customs, when he has reason to believe that any such under-valuation was solely the result of accident or error, from permitting the owner of the goods, on his application for that purpose, to amend such entry, on payment of such increased rate of duties on the excess of the amended over the original valuation, or on such other terms, as the Controlling Officer of Customs may determine.

Nothing in this Section shall prevent the Chief Customs Officer from dealing with under-valuations under Section 149 (S6) if he deems fit to do so.

Abatement allowed on damaged goods.

34. If, on the first examination of any goods under Section 32, the owner thereof states in writing that such goods are, in consequence of damage sustained before delivery of the bill-of-entry, of value less than that stated in

such bill, the Chief Customs Officer or the Customs Inspector, on being satisfied of the fact, may allow abatement of duty accordingly.

Reduced duty how determined.

The reduced duty to be levied on such goods may be ascertained by either of the following methods, at the option of the owner :—

(*a*) the real value of such goods may be fixed on appraisement by the Chief Customs Officer or the Customs Inspector, and the duty may be assessed on the value so fixed ; or

(*b*) the goods may, after due notice, be sold by public auction at such time (within thirty days from the date of delivery of the bill-of-entry) and at such place, as the Controlling Officer of Customs may appoint ; and the duty may be assessed on the gross amount realised by such sale.

Deterioration of tariff-valued goods.

35. When any goods, the value of which has been fixed for the purpose of levying the duty thereon, have, before delivery of the bill-of-entry, deteriorated to the extent of more than one-tenth of their value, the duty on such goods shall, if the owner thereof so desires, be assessed *ad valorem*.

The real value of such goods shall be ascertained as provided in Section 34 and the duty shall be assessed thereon.

No abatement when duty is levied on quantity.

36. No abatement of duty on account of damage shall be allowed on wines, spirit or beer, or on other articles on which duties are levied on quantity and not on value.

Restriction on amendment of bill-of-entry, shipping-bill or manifest.

37. Except as provided in Section 89, no amendment of a bill-of-entry or shipping-bill relating to goods assessed for duty on the declared value, quantity or description thereof, shall be allowed after such goods have been removed from the Customs-house.

Alteration of import duty or tariff-valuation.

38. The rate of duty and the tariff-valuation (if any) applicable to any goods imported, shall be the rate and valuation in force on the date on which the bill-of-entry thereof is delivered to the Officer of Customs under Section 81 :

Provided that, if such goods are ware-housed under this Regulation, the rate and valuation, if any, applicable thereto, shall be the rate and

valuation in force on the date on which application is made to clear such goods from the ware-house for home-consumption.

Explanation—A bill-of-entry shall, for the purposes of this Section, be deemed to be delivered when it is first presented to the proper Officer of Customs.

Alteration of export duty or tariff-valuation.

39. The rate of duty and the tariff-valuation (if any) applicable to any goods exported, shall be the rate and valuation in force when a shipping-bill of such goods is delivered under Section 131.

Payment of duties short-levied or erroneously refunded.

40. When Customs duties or charges have been short-levied through inadvertence, error, collusion or misconstruction on the part of any Officer of Customs, or through mis-statement as to real value, quantity, or description on the part of the owner,

or when any such duty or charge, after having been levied has been, owing to any such cause, erroneously refunded,

the person chargeable with the duty or charge so short-levied, or to whom such refund has erroneously been made, shall pay the deficiency or repay the amount paid to him in excess, on demand being made within six months from the date of the first assessment or making of the refund; if the said deficiency or excess is not paid or repaid, the same may be recovered as an arrear of land revenue, and the Chief Customs Officer or the Customs Inspector may refuse to pass any goods belonging to such person until the said deficiency or excess is paid or repaid or realised.

No refund of charges erroneously levied or paid unless claimed within three months.

41. Customs duties or charges which have been paid, and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertence, error or misconstruction, shall be returned, with the sanction of Our Government, if such claim is made within three months from the date of such payment, but not if made after the expiry of the said period of three months.

CHAPTER VI.

Drawbacks or Refunds.

A.—Of the Import-duty.

Drawback allowable on re-export.

42. When any goods, capable of being easily identified, which have been imported by land, by backwater or by sea into Travancore, and upon which duties of sea or land customs have been paid on importation, are

again exported by sea from a Customs-port to any foreign Port, or as provisions or stores for use on board a ship proceeding to a foreign Port, seven-eighths of such duties shall, except as otherwise hereinafter provided, be repaid as drawback :

Conditions for grant of drawback.

Provided that, in every such case, the goods shall be identified to the satisfaction of the Chief Customs Officer or the Customs Inspector at such Customs-port, and that the export is made within one year from the date of original importation.

Drawback on goods exported to Customs-port and thence to foreign port.

43. When any goods, having been charged with inport-duty at one Customs-port and thence exported to another, are re-exported by sea as aforesaid, drawback shall be allowed on such goods as if they had been so re-exported from the former Port :

Proviso.

Provided that, in every such case, the goods are identified to the satisfaction of the Chief Customs Officer or the Customs Inspector at the Port of final exportation and that such final exportation is made within one year from the date on which the goods were first imported into Travancore.

B.—Of the Export-duty.

Drawback allowable on re-import.

44 When any goods, capable of being easily identified which have been exported from Travancore and upon which duties of sea and land customs have been paid on exportation, are again imported by sea into any Customs-port, seven-eighths of such duties shall, except as otherwise hereinafter provided, be repaid as drawback : Provided that, in every such case, the goods shall be identified to the satisfaction of Chief Customs Officer or the Customs Inspector at such Customs-port, and that the import is made within one year from the date of original exportation.

C.—General.

Power to declare what goods are identifiable and to prohibit drawback in case of specified foreign Port.

45. Our Government may, by Notification in the Gezette,—

(a) declare what goods shall, for the purposes of this Chapter, be deemed to be capable of being easily identified ; and

(b) prohibit the payment of drawback upon the re-exportation or re-importation of goods to or from any specified foreign Port.

When no drawback allowed.

46. Notwithstanding anything hereinbefore contained, no drawback shall be allowed —

(a) upon goods not included in the export-manifest or import-manifest, as the case may be, unless Our Government by general or special order otherwise direct, or

(b) where the goods exported or imported are of less value than the amount of drawback claimed, or

(c) where the claim is for drawback amounting, in respect of any single shipment, to less than rupees five, or

(d) on tobacco, salt, salted fish, opium or ganja.

Time to claim drawback.

47. (1) No drawback shall be allowed unless the claim to receive such drawback is made and established at the time of re-export or re-import as the case may be.

When payment made.

(2) No refund of import duty shall be made until the vessel carrying the goods has put out to sea, or unless refund is demanded within three months from the date of entry for shipment.

(3) No refund of export duty shall be made until the goods have been actually re-imported or unless refund is demanded within three months from the date of re-importation.

CHAPTER VII.

Arrival and Departure of Vessels.

Arrival and Entry of Vessels inwards.

Power to fix places beyond which inward bound vessels are not to proceed until manifest delivered.

48. Our Government may, by Notification in the Gazette, fix a place in any river, backwater or Port, beyond which no vessel arriving shall pass until a manifest has been delivered to the pilot, Officer of Customs, or other person duly authorised to receive the same.

Delivery of manifest when vessels anchor outside the place fixed.

If, in any river, backwater or Port, wherein a place has been fixed under this Section, the Master of any vessel arriving remains outside or below the place so fixed, such Master shall, nevertheless, within twenty-four hours after the vessel anchors, deliver a manifest to the pilot, Officer of Customs, or other person duly authorised to receive the same.

Delivery of manifest where no place has been so fixed.

49. If any vessel arrives at any Customs-port in which a place has not been so fixed, the Master of such vessel shall, within twenty-four hours after such vessel has anchored within the limits of the Port, deliver a manifest to the pilot, Officer of Customs, or other person duly authorised to receive the same.

Signature and contents of manifest.

50. Every manifest shall be signed by the Master, shall specify all goods imported in such vessel, showing separately all goods (if any) intended to be landed, transhipped or taken on to another port, and all ship's stores intended for consumption in Port or on the voyage, and shall contain such further particulars and be made out in such Form as the Controlling Officer of Customs may direct.

Amendment of error in manifest.

The Chief Customs Officer or the Customs Inspector shall premit the Master to amend any obvious error in the manifest, or to supply any omission which, in such Officer's opinion, is the result of accident or inadvertence, by furnishing an amended or supplementary manifest, and may levy thereon such fee as Our Government may direct.

Except as herein provided, no import manifest shall be amended.

Duty of person receiving manifest.

51. The Officer of Customs receiving a manifest under Section 48 or 49 shall countersign the same and enter thereon such particulars as the Controlling Officer of Customs may direct in this behalf.

Bulk not to be broken until manifest, &c., delivered and vessel entered inwards.

52. No vessel arriving in any Customs-port shall be allowed to break bulk until a manifest has been delivered as hereinbefore provided; nor until a copy of such manifest, together with an application for entry of such vessel inwards, has been presented by the Master to the Chief Customs Officer or the Customs Inspector, and an order has been given thereon for such entry.

Master, if required, to deliver bill-of-lading, &c.

53. The Master shall, if required so to do by the Chief Customs Officer or the Customs Inspector, at the time of presenting such application, deliver to such Officer the bill-of-lading or a copy thereof for every part of the cargo laden on board, and any port-clearance, cocket or other paper granted in respect of such vessel, at the place from which she is stated to have come, and shall answer all such questions relating to the vessel, cargo, crew and voyage as are put to him by such Officer.

The Chief Customs Officer or the Customs Inspector may, if any requisition or question made or put by him under this Section is not complied with or answered, refuse to grant such application.

Special pass for breaking bulk.

54. Notwithstanding anything contained in Section 52, the Chief Customs Officer or the Customs Inspector may grant, prior to receipt of the manifest and to the entry inwards of the vessel, a special pass permitting bulk to be broken.

The granting of such pass shall be subject to such Rules as may be made by Our Government and published in the Gazette.

Manifest may be delivered by the ship's agent.

55. Notwithstanding anything contained in Section 48, 49, 52 or 53, the Chief Customs Officer or the Customs Inspector may accept from the ship's agent in lieu of the Master, delivery of the manifest or of any other document required by those Sections to be delivered by the Master.

Entry outwards, Port-clearance and Departure of Vessels.

Order for entry outwards to be obtained before export cargo is shipped.

56. No vessel shall take on board any part of her export cargo, until a written application for entry of such vessel outwards, subscribed by the Master of such vessel, has been made to the Chief Customs Officer or the Customs Inspector, and an order has been given thereon by such Officer for such entry.

Every application made under this Section shall specify the name, tonnage and national character of the vessel, the name of the Master and the name of every place for which cargo is to be shipped.

No vessel to depart without port-clearance.

57. No vessel, whether laden or in ballast, shall depart from any Customs-port until a port clearance has been granted by the Chief Customs Officer, or the Customs Inspector, or other Officer duly authorised to grant the same.

And no pilot shall take charge of any vessel proceeding to sea unless the Master of such vessel produces a port-clearance.

Application for port-clearance.

58. Every application for port clearance shall be made by the Master at least twenty-four hours before the intended departure of the vessel.

The Master shall, at the time of applying for port-clearance,—

(a) deliver to the Chief Customs Officer or the Customs Inspector a manifest in duplicate, in such form as may be prescribed by the Controlling Officer of Customs, signed by such Master, specifying all goods to be exported in the vessel, and showing separately all goods and stores entered in the import manifest and not landed or consumed on board or transhipped;

(b) deliver to the Chief Customs Officer or the Customs Inspector such shipping bills or other documents as such Officer acting under the general instruction of the Controlling Officer of Customs, requires; and

(c) answer to the Officer such questions touching the departure and destination of the vessel as are demanded of him.

The provisions of Section 50, relating to the amendment of import-manifests, shall, *mutatis mutandis*, apply also to export-manifests delivered under this Section.

Power to refuse port-clearance.

59. The Chief Customs Officer or the Customs Inspector may refuse port clearance to any vessel until—

(a) the provisions of Section 58 are complied with;

(b) all port-dues and other charges and penalties due by such vessel, or by the owner or Master thereof, and all duties payable in respect of any goods shipped therein, have been duly paid, or their payment has been secured by such guarantee or by a deposit at such rate as such Officer directs;

(c) the ship's agent (if any) delivers to such Officer a declaration in writing to the effect that he will be liable for any penalty imposed under Section 149 (16) and furnishes security for the discharge of the same;

(d) the ship's agent (if any) delivers to such Officer a declaration in writing to the effect that such agent is answerable for the discharge of all claims for damage or short delivery which may be established by the owner of any goods comprised in the import cargo in respect of such goods

A ship's agent delivering a declaration under Clause (c) of this Section shall be liable to all penalties which may be imposed on the Master under Section 149 (16) and a ship's agent delivering a declaration under Clause (d) of this Section shall be bound to discharge all claims referred to in such declaration.

Grant of port-clearance.

60. When the Chief Customs Officer or the Customs Inspector is satisfied that the provisions of Section 58, and, if necessary, of Clauses (b), (c) and (d) of Section 59, have been complied with, he shall grant a port-clearance to the Master, and shall return at the same time to such Master one copy of the manifest duly countersigned by such Officer.

Grant of port clearance on securty of ship's agent.

61. Notwithstanding anything contained in Sections 59 and 60, the Chief Customs Officer or the Customs Inspector may (subject to such Rules as Our Government may prescribe and publish in the Gazette) grant a port-clearance to the Master when the ship's agent furnishes such security as such Officer deems sufficient, for duly delivering within five days from the date of such grant the manifest and other documents specified in Section 58.

CHAPTER VIII.

General Provisions affecting Vessels in Port.

Power to depute Customs Officers to board Ships.

62. The Chief Customs Officer or the Customs Inspector of any Port may, at any time, depute, at his discretion, one or more Officers of Customs to board any vessel in or arriving at such Port. Every Officer of Customs so sent shall remain on board of such vessel by day and night unless or until the Chief Customs Officer or the Customs Inspector otherwise directs.

Customs Officer and servant to be received.

63. Whenever an Officer of Customs is so deputed on board of any vessel, the Master of such vessel shall be bound to receive on board such Officer and one servant of such Officer and to provide such Officer and servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board.

Customs Officer to have free access to every part of ship.

64. Every Officer of Customs so deputed shall have free access to every part of the vessel, and may fasten down any hatchway or entrance to the hold, and mark any goods before landing, and lock up, seal, mark or otherwise secure any goods on board such vessel.

If any box, place or closed receptacle in any such vessel be locked, and the key be withheld, such Officer shall report the same to the Chief Customs Officer or the Customs Inspector, who may thereupon issue to the Officer on board, or to any other Officer under his authority, a written order to search.

On production of such order, the Officer bearing the same may require that any such box, place or closed receptacle be opened in his presence; and if it be not opened upon his requisition, he may break open the same.

Goods not to be shipped, discharged or water-borne except in presence of Officer.

65. Unless with the written permission of the Chief Customs Officer or the Customs Inspector, or unless in accordance with a general permission granted under Section 69, no goods, other than passengers' baggage, or ballast urgently required to be shipped for the vessel's safety, shall be shipped, or water-borne to be shipped, or discharged from any vessel, in any Customs-port, except in the presence of an Officer of Customs.

Period allowed for discharge and shipment of cargo.

66. When an Officer of Customs is deputed under Section 62 to remain on board a vessel, the tonnage of which does not exceed six hundred tons, a period of twenty working days, reckoned from the date on which he boards such vessel, or such longer period as the Chief Customs Officer or the Customs Inspector directs, shall be allowed for the discharge of import-cargo and the shipment of export-cargo on board of such vessel.

One additional day shall, in like manner, be allowed for every fifty tons in excess of six hundred.

No charge shall be made for the services of a single Officer of Customs for such allowed number of working days, or for the services of several such Officers (if available) for respective periods not exceeding in the aggregate such allowed number of working days.

Sec. 66 : In the Indian Act, the period specifically allowed in Paras 1 and 4 is 'thirty working days' or such additional period, &c.

If the period occupied in the discharge and shipment of cargo be in excess of twenty working days, together with the additional period (if any) allowed under this Section, the vessel shall be charged with the expense of the Officer of Customs, at a rate not exceeding rupees five per diem (Sundays and holidays excepted) for such excess period.

Consequence of exceeding same.

In calculating any period allowed, or any charge made, under this Section, the period (if any) during which a vessel, after the completion of the discharge of import-cargo and before commencing the shipment of export-cargo, is laid up by the withdrawal of the Officer of Customs, upon application from the Master, shall be deducted.

Allowance for period during which vessel is laid up.

67. Except with the written permission of the Chief Customs Officer or the Customs Inspector, no goods, other than passengers' baggage, shall, in any Customs port, be discharged from any vessel, or be shipped or water-borne to be shipped—

Goods not to be landed, &c., on Sundays or holidays.

(a) on any Sunday, or on any holiday, or any day on which the discharge or shipping of cargo, as the case may be, is prohibited by Our Government,

(b) on any day, except between such hours as Our Government may fix by Notification in the Gazette.

68. No goods shall, in any Customs-port, be landed in any place other than a wharf notified under Section 10 or other place appointed for the landing of the particular goods by the Port Officer; and before any goods are discharged from a vessel into boats for the purpose of being landed, the Master of the vessel, or the owner of the goods if they are to be landed by the latter, shall notify to the Port Officer the place where he wishes to land the goods; and if this place is not a duly notified wharf, the consent of the Port Officer must be obtained to the landing before the boats leave the vessel's side.

Goods not to be shipped, &c., except at wharves.

Unless with the written permission of the Port Officer, or unless under a general permission granted under Section 69, no goods shall, in any Customs-port, be shipped or water-borne to be shipped from any place

---

Sec. 68 : The words "and before any goods......leave the vessel's side" in the first Para are not found in the Indian Act.

other than a wharf notified under Section 10 or other place duly appointed for that purpose by the Port Officer.

Power to exempt from Sections 65 and 68.

69. Notwithstanding anything contained in Section 65 or Section 68, Our Government may, by Notification in the Gazette, give general permission for goods to be shipped or water-borne to be shipped in any Customs-port, from all or any places not duly appointed as wharves, and without the presence or authority of an Officer of Customs.

Power to make Rules regarding baggage.

70. Our Government may make Rules for the landing and shipping of passengers' baggage and the passing of the same through the Customs house.

Landing fees.

When any baggage or parcels is or are made over to an Officer of Customs for the purpose of being landed, a fee of such amount as Our Government may prescribe, shall be chargeable thereon, as compensation for the expense and trouble incurred in landing and depositing the same in the Customs house.

Boat-note.

71. When any goods are water-borne for the purpose of being landed from any vessel and ware-housed or cleared for home-consumption, or for the purpose of being shipped for exportation on board of any vessel, there shall be sent, with each boat-load or other separate despatch, a boat-note specifying the number of packages so sent and the marks and numbers or other description thereof.

Each boat-note for goods to be landed shall be signed by an Officer of the vessel, and likewise by the Officer of Customs on board, if any such Officer be on board, and shall be delivered on arrival to any Officer of Customs authorised to receive the same.

Each boat-note for goods to be shipped shall be signed by the proper Officer of Customs, and if an Officer of Customs is on board of the vessel on which such goods are to be shipped, shall be delivered to such Officer. If no such Officer be on board, every such boat-note shall be delivered to the Master of the vessel, or to an Officer of the vessel appointed by him to receive it.

The Officer of Customs who receives any boat-note of goods landed, and the Officer of Customs, Master, or other Officer, as the case may be, who receives any boat-note of goods shipped, shall sign the same and note thereon such particulars as the Controlling Officer of Customs may direct.

Our Government may, by Notification in the Gazette, suspend the operation of this Section in any Customs-port or part thereof.

72. All goods water-borne for the purpose of being landed or shipped, shall be landed or shipped without any unnecessary delay.

Goods water-borne to be landed or shipped.

73. Except in cases of imminent danger, no goods discharged into or loaded in any boat for the purpose of being landed or shipped, shall be transhipped into any other boat without the permission of an Officer of Customs.

Such goods not to be transhipped without permission.

74. Our Government may declare, with regard to any Customs-port, by Notification in the Gazette, that, after a date therein specified, no boat, not duly licensed and registered, shall be allowed to ply for the landing and shipping of merchandise, or for embarking or landing passengers, within the limits of such Port.

Power to prohibit plying of unlicensed cargo boats.

In any Port with regard to which such Notification has been issued, the Chief Customs Officer, or the Customs Inspector, or other Officer appointed in this behalf, may, subject to such Rules and on payment of such fees as Our Government may prescribe by Notification in the Gazette, issue licenses for, and register boats. Such Officer may also, subject to Rules so prescribed, cancel any license so issued.

Issue of licenses and registration of cargo boats.

75. The Chief Customs Officer or the Customs Inspector may whenever he thinks fit, require that goods stowed in bulk, and brought by sea or intended for exportation, shall be weighed or measured on board-ship before landing or after shipment, and may levy duty according to the result of such weighing or measurement.

Power to require goods to be weighed or measured, &c.

CHAPTER IX.

Of Discharge of Cargo and Entry Inwards of Goods.

76. When an order for entry inwards of any vessel which has arrived in any Customs-port, or a special pass permitting such vessel to break bulk, has been given, the discharge of the cargo of such vessel may be proceeded with.

Discharge of cargo may commence on receipt of due permission.

77. Except as otherwise provided in this Regulation, no goods shall be allowed to leave any such vessel, unless they are entered in the original manifest of such vessel, or in an amended or supplementary manifest received under Section 50.

Goods not to leave ship unless entered in manifest.

78. If the owner of any goods (except such as have been shown in the import-manifest as not to be landed) does not land such goods or any portion thereof within such period as is specified in the bill-of-lading of such goods, or if no period is so specified, within such time (not exceeding fifteen days after the entry of the vessel importing the same) as Our Government may appoint by Notification in the Gazette, or,

Procedure in respect of goods not landed within time allowed.

if the cargo of any vessel, with the exception of only a small quantity of goods, has been discharged previously to the expiration of the period so specified or appointed, as the case may be—

the Master of such vessel, or, on his application, the proper Officer of Customs, may carry such goods or such portion thereof, as the case may be, to the Customs house, there to remain for entry.

The Chief Customs Officer or the Customs Inspector shall thereupon take charge of, and grant receipts for such goods and deliver them to the owner after satisfying himself that all customs dues have been paid; but if notice in writing has been given by the Master that the goods are to remain subject to a lien for freight, primage, general average or other charges of a stated amount, such Officer shall hold such goods until he receives notice in writing that the said charges have been paid.

79. At any time after the arrival of any vessel, the Chief Customs Officer or the Customs Inspector may, with the consent of the Master of such vessel, cause any small package or parcel of goods to be carried to the Customs-house, there to remain for entry in charge of the Officers of Customs, during the remainder of the time allowed under this Regulation for the landing of such package or parcel:

Power to land small parcels.

If any package or parcel so carried to the Customs house remain unclaimed on the expiration of the time allowed for its landing, or at the time of the clearance outwards of the vessel from which it was landed, the Master may apply, as provided in Section 78, and the Officer in charge of the Customs house shall thereupon hold such package or parcel as provided in that Section.

Notice regarding unclaimed packages.

Sec. 78: (1) The first para in Sec. 83 of the Indian Act runs thus:—"If the owner of any goods.........does not land such goods within such period as is specified......within such number of working days, not exceeding fifteen, after the entry......"

(2) The fourth para in the Indian Act is:—"The Customs-collector.........receipt for such goods; and if notice......that the said charges are paid."

80. Notwithstanding anything contained in Sections 78 and 79, the Chief Customs Officer or the Customs Inspector, in any Customs-port to which Our Government may, by Notification in the Gazette, declare this Section to be applicable, may permit the Master of any vessel, immediately on receipt of an order under Section 52 or special pass under Section 54, to discharge the cargo of such vessel or any portion thereof into the custody of the ship's agents if willing to receive the same, for the purpose of landing the same forthwith at the Customs house or any specified landing place or wharf and depositing it in such place as may be indicated by such Officer.

Power to permit immediate discharge.

Any ship's agent so receiving such cargo or portion thereof, shall be bound to discharge all claims for damage or short delivery which may be established in respect of the same by the owner thereof, and shall be entitled to recover from such owner his charges for service rendered, but not for commission or the like, where any agent for the landing of such cargo or portion has been previously appointed by the owner and such appointment is unrevoked, provided that the charges for landing the goods and conveying the same to the place indicated shall not be in excess of such rates as may be sanctioned by Our Government for the particular Port.

The Chief Customs Officer or the Customs Inspector shall take charge of goods discharged under this Section, and otherwise proceed in relation thereto, as provided in Sections 78 and 83.

81. The owner of any goods imported shall, on the landing thereof from the importing ship, make entry of such goods for home-consumption or ware-housing, by delivering to the Chief Customs Officer or the Customs Inspector, a bill-of-entry thereof, together with such number of copies of the same, in such Form and containing such particulars, as the Controlling Officer of Customs may prescribe.

Entry for home-consumption or ware-housing.

The particulars of such entry shall correspond with the particulars given of the same goods in the manifest of the ship.

82. On the delivery of such bill, the duty (if any) leviable on such goods shall be assessed, and the owner of such goods may then proceed to clear the same for home-consumption, or ware-house them, subject to the provisions hereinafter contained.

Assessment of dutiable goods.

Sec. 80 : (1) The words at the end of the first Para—"and depositing it......indicated by such Officer"—are not found in the Indian Act.

(2) The proviso to the second Para is not found in the Indian Act.

83. If any goods are not entered and cleared for home-consumption or ware-housed, within two months from the date of entry of the vessel, such goods may, after due notice to the owner, if his address can be ascertained, be sold by public auction, and the proceeds thereof shall be applied, first, to the payment of freight, primage and general average, if the goods are held by the Chief Customs Officer or the Customs Inspector subject to such charges, under notice given under Section 78, 79 or 80 ; next, to the payment of the duties which would be leviable on such goods if they were then cleared for home-consumption, and next, to the payment of the other charges (if any) payable to such Officer in respect of the same.

Procedure in case of goods not cleared or ware-housed.

The surplus, if any, shall be paid to the owner of the goods, provided that he applies for the same within one year from date of sale.

If any goods of which the Chief Cnstoms Officer or the Customs Inspector has taken charge under Section 78, 79 or 80 be of a perishable nature, such Officer may, at any time, direct the sale thereof, and shall apply the proceeds in like manner :

Power to direct sale of perishable goods.

Provided that, where any goods liable to be sold under this Section are arms, ammunition or military stores, they may be sold or otherwise disposed of, at such place and in such manner as Our Government may direct :

Provided also that, nothing in this Section shall authorise the removal for home-consumption of any dutiable goods without payment of the duties due thereon.

CHAPTER X.

Clearance of Goods for Home-consumption.

84. When the owner of any goods entered for home-consumption, and (if such goods are liable to duty) assessed under Section 82, has paid the import duty (if any) assessed on such goods, and any charges payable under this Regulation in respect of the same, the Chief Customs Officer or the Customs Inspector may make an order clearing the same ; and such order shall be sufficient authority for the removal of the goods by the owner.

Clearance for home-consumption.

CHAPTER XI.

Ware-housing.

Of the Admission of Goods into a Ware-house.

Application to ware-house.

85. When any dutiable goods have been entered for ware-housing and assessed under Section 82, the owner of such goods may apply for leave to deposit the same in any ware-house appointed or licensed under this Regulation.

Form of application.

86. Every such application shall be in writing, signed by the applicant, and shall be in such Form as may be prescribed by the Controlling Officer of Customs.

Ware-housing bond.

87. When any such application has been made in respect of any goods, the owner of the goods to which it relates shall execute a bond, binding himself, in a penalty of twice the amount of the duty assessed under Section 82 on such goods,—

(a) to observe all Rules prescribed by this Regulation in respect of such goods ;

(b) to pay, on demand, all duties, rent and charges claimable on account of such goods under this Regulation, together with interest on the same from the date of demand, at such rate, not exceeding twelve per cent. per annum, as may be fixed by Our Government ; and

(c) to discharge all penalties incurred for violation of the provisions of this Regulation in respect of such goods.

Form of bond.

Every such bond shall be in such Form as may be prescribed by the Controlling Officer of Customs and shall relate to the cargo or portion of the cargo of one vessel only.

Forwarding of goods to ware-house.

88. When the provisions of Sections 86 and 87 have been complied with in respect of any goods, such goods shall be forwarded in charge of an Officer of Customs to the ware-house in which they are to be deposited.

A pass shall be sent with the goods, specifying the names of the importing vessel and of the bonder, the marks, numbers and contents of each package, and the ware-house or place in the ware-house wherein they are to be deposited.

Sec. 87 : The maximum rate of interest provided in Clause (b) of Sec. 92 of the Indian Act is "six per cent per annum."

89. On receipt of the goods, the pass shall be examined by the ware-house-keeper, who shall return it in due course to the Chief Customs Officer or the Customs Inspector.

Receipt of goods at ware-house.

No package, butt, cask or hogshead, shall be admitted into any ware-house, unless it bears the marks and numbers specified in, and otherwise corresponds with, the pass for its admission.

If the goods are found to correspond with the pass, the ware-house-keeper shall certify to that effect on the pass and the ware-housing of such goods shall be deemed to have been completed.

If the goods do not so correspond, the fact shall be reported by the ware-house-keeper for the orders of the Chief Customs Officer or the Customs Inspector, and the goods shall either be returned to the Customs house in charge of an Officer of Customs, or kept in deposit pending such orders, as the ware-house-keeper deems most convenient.

If the quantity or value of any goods has been erroneously stated in the bill-of-entry, the error may be rectified at any time before the ware-housing of the goods is completed, but not subsequently.

90. Except as provided in Section 95, all goods shall be ware-housed in the packages, butts, casks or hogsheads in which they have been imported.

Goods how ware-housed.

91. Whenever any goods are lodged in a public ware-house or a licensed private ware-house, the ware-house-keeper shall deliver a warrant, signed by him as such, to the person lodging the goods.

Warrant to be given when goods are ware-housed.

Such warrant shall be in such Form as may be prescribed therefor by the Controlling Officer of Customs, and it shall be transferable by endorsement; the endorsee shall be entitled to receive the goods specified in such warrant on the same terms as those on which the person who originally lodged the goods would have been entitled to receive the same.

Form of warrant.

Rules relating to Goods in a Ware-house.

92. The Chief Customs Officer, or the Customs Inspector, or any Officer deputed by either for the purpose, shall have access to any private ware-house licensed under this Regulation.

Access of Customs Officers to private ware-house.

93. The Chief Customs Officer or the Customs Inspector may, at any time, by order in writing, direct that any goods or packages lodged in any ware-house shall be opened, weighed or otherwise examined, and, after any goods have been so opened or examined, may cause the same to be sealed or marked in such manner as he thinks fit.

Power to cause package or goods to be opened and examined.

When any goods have been so sealed and marked after examination, they shall not again be opened without the permission of the Chief Customs Officer or the Customs Inspector, and when any such goods have been opened with such permission, the packages shall, if such Officer thinks fit, be again sealed or marked as before.

94. Any owner of goods lodged in a ware-house shall, at any time within the authorised hours of business, have access to his goods in presence of an Officer of Customs, and an Officer of Customs shall, upon application for the purpose being made in writing to the Chief Customs Officer or the Customs Inspector, be deputed to accompany such owner.

Access of owner to ware-housed goods.

95. With the sanction of the Chief Customs Officer or the Customs Inspector, and after such notice given, and under such Rules and conditions as Our Government may prescribe, any owner of goods may, after ware-housing the same,—

Owner's power to deal with ware-housed goods.

(*a*) sort, separate, pack and re-pack the goods, and make such alterations therein as may be necessary for the preservation, sale, shipment or disposal thereof, such goods to be re-packed in packages in which they were imported or in such other packages as the Chief Customs Officer or the Customs Inspector may permit ;

(*b*) take such samples of goods as may be allowed by the Chief Customs Officer or the Customs Inspector with or without entry for home-consumption, and with or without payment of duty, except such as may eventually become payable on a deficiency of the original quantity.

After any such goods have been so separated and re-packed in proper or approved packages, the Chief Customs Officer or the Customs

Sec. 94 : There is a second Para in Sec. 89 of the Indian Act which provides for payment by the owner of a sum to meet the expenses incurred by the Officer specially employed to accompany the owner, if the Customs-collector so requires.

Inspector may, at the request of the owner of such goods, cause or permit any refuse, damaged or surplus goods remaining after such separation or re-packing, or at the like request, any goods which may not be worth the duty, to be destroyed, and may remit the duty payable thereon.

Payment of rent and ware-house dues.

96. If goods be lodged in a public ware-house, the owner shall pay monthly, on receiving a written demand for the same from the Chief Customs Officer or the Customs Inspector, rent and ware-house dues at such rates as the Controlling Officer of Customs may fix. A Table of the rates of rent and ware-house dues so fixed shall be placed in a conspicuous part of such ware-house

If any written demand for rent or ware-house dues presented under this Section is not discharged within seven days from the date of presentation, the Chief Customs Officer or the Customs Inspector may, in the discharge of such demand (any transfer or assignment of the goods notwithstanding) cause to be sold by public auction, such sufficient portion of the goods as he may select.

Out of the proceeds of such sale, the Chief Customs Officer or the Customs Inspector shall first satisfy the demand for the discharge of which the sale was ordered, and shall then pay over the surplus, if any, to the owner of the goods :

Provided that the owner applies for such payment within one year from the date of sale.

Goods not to be taken out of ware-house except as provided by the Regulation.

97. No ware-housed goods shall be taken out of any ware-house except on clearance for home-consumption, or for shipment, or for removal to another ware-house, or as otherwise provided by this Regulation.

Period for which goods may remain ware-housed under bond.

98. Any goods ware-housed may be left in the ware-house in which they are deposited, or in any ware-house to which they may, in manner hereinafter provided, be removed, till the expiry of one year, or such longer period as Our Government may by Notification in the Gazette prescribe, after the date of the bond executed in relation to such goods under

---

Sec. 96 : (1) In the Indian Act, the period allowed under the second Para is ten days.

(2) The Proviso at the end of the Section runs thus ;—" Provided that the application for such surplus be made within one year from the date of the sale of the goods or that sufficient cause be shown for not making it within such period."

Section 87. The owner of any goods remaining in a ware-house on the expiry of such period shall clear the same for home-consumption or for shipment, in manner hereinafter provided :

Goods in private ware-house on cancellation of license.

Provided that, when the license for any private ware-house is cancelled, and the Chief Customs Officer or the Customs Inspector gives notice of such cancelment to the owner of any goods deposited in such ware-house, such owner shall, in manner hereinafter provided, and within seven days from the date on which such notice is given, remove such goods to another ware-house, or clear them for home-consumption or for shipment.

Of the Removal of Goods from one Ware-house to another.

Power to remove goods from one ware-house to another in the same Port.

99. Any owner of goods ware-housed under this Regulation may, at any time within one year (or such longer period as Our Government may prescribe) from the date of the bond executed in respect of such goods under Section 87, and with the permission of the Chief Customs Officer or the Customs Inspector, and on such conditions and after giving such security (if any) as such Officer directs, remove goods from one ware-house to another ware-house in the same Port.

When any owner desires so to remove any goods, he shall apply for permission to do so in such Form as the Controlling Officer of Customs may prescribe

Owner to remove goods from one Port to another.

100. Any owner of goods ware-housed at any ware-housing Port may, from time to time, within the said period of one year or such longer period as has been sanctioned by Our Government, remove the same by sea or by inland carriage, in order to be re-ware-housed at any other ware-housing Port.

Procedure.

When any owner desires so to remove any goods for such purpose, he shall apply to the Controlling Officer of Customs, stating the particulars of the goods to be removed, and the name of the Port to which it is intended that they shall be

---

Sec. 98 : The period allowed under the first Para in the Indian Act is 3 years :— "till the expiry of three years after the date of the bond executed in relation to such goods under Sec. 92."

Sec. 99 : Here also, the period allowed in the Indian Act is three years.

removed, together with such other particulars, and in such manner and Form, as such Controlling Officer of Customs may prescribe.

Transmission of accounts of goods to Officers at Port of destination. Bond for due arrival and re-warehousing.

101. When premission is granted for the removal of any goods from one ware-housing Port to another under Section 100, an account, containing the particulars thereof, shall be transmitted by the proper Officer of the Port of removal to the proper Officer of the Port of destination; and the person requiring the removal shall, before such removal, enter into a bond, with one sufficient surety, in a sum equal to twice the duty chargeable on such goods, for the due arrival and re-ware-housing thereof at the Port of destination, within such time as the Controlling Officer of Customs directs.

Such bond may be taken by the proper Officer, either at the Port of removal or at the Port of destination, as best suits the convenience of the owner.

If such bond is taken at the Port of destination, a certificate thereof, signed by the proper Officer of such Port, shall, at the time of the removal of such goods, be produced to the proper Officer at the Port of removal; and such bond shall not be discharged unless such goods are produced to the proper Officer, and duly re-ware-housed at the Port of destination, within the time allowed for such removal, or are otherwise accounted for to the satisfaction of such Officer; nor until the full duty due upon any deficiency of such goods, not so accounted for, has been paid.

Remover may enter into a general bond.

102. The Controlling Officer of Customs may permit any person desirous of removing ware-housed goods to enter into a general bond, with such sureties, in such amount, and under such conditions, as such Controlling Officer of Customs approves, for the removal, from time to time, of any goods from one ware-house to another, either in the same or in a different port, and for the due arrival and re-ware-housing of such goods at the Port of destination, within such time as such Officer directs.

Goods on the arrival at Port of destination to be subject to same laws as goods on first importation.

103. Upon the arrival of ware-housed goods at the Port of destination, they shall be entered and ware-housed in like manner as goods are entered and ware-housed on the first importation thereof, and under the laws and Rules, in so far as such laws and Rules are applicable, which regulate the entry and ware-housing of such last mentioned goods.

104. Every bond executed under Section 87 in respect of any goods shall, unless the Chief Customs Officer or the Customs Inspector in any case deems a fresh bond to be necessary, continue in force notwithstanding the subsequent removal of such goods to another ware-house or ware-housing Port.

Bond under Section 87 to continue in force notwithstanding removal.

Clearance for Home-consumption or Shipment.

105. Any owner of goods ware-housed may, at any time within the period mentioned in Section 98, clear such goods for home-consumption, by paying, (*a*) the duty assessed on such goods, or where the duty on such goods is altered, such altered duty, and (*b*) all rent, penalties, interest and other charges, if any, payable in respect of such goods.

Clearance of bonded goods for home-consumption.

106. Any owner of goods ware-housed may, at any time within the period mentioned in Section 98, clear such goods for shipment to a foreign Port on payment of all rent, penalties, interest and other charges payable as aforesaid, and without payment of import duty on the same :

Clearance of same for shipment to foreign Port.

Provided that Our Government may prohibit the shipment for exportation to any specified foreign Port, of ware-housed goods in respect of which payment of drawback or transhipment has been prohibited under Section 45 or 128 respectively.

107. Provisions and stores ware-housed at the time of importation may, within the said period, be shipped without payment of duty, for use on board of any vessel proceeding to a foreign Port.

Clearance of same for shipment as provisions, &c., on vessels proceeding to foreign Port.

108. Applications to clear goods from any ware-house for home-consumption or for shipment, shall be made is such Form as the Controlling Officer of Customs may prescribe.

Form of application for clearance of goods.

Such applications shall ordinarily be made to the Chief Customs Officer or the Customs Inspector at least twenty-four hours before it is intended so to clear the goods.

Application when to be made.

Re-assessment of ware-housed goods, when damaged.

109. If any goods, upon which duties are leviable *ad valorem* or on a tariff valuation, receive damage through unavoidable accident, after they have been entered for ware-housing and assessed under Section 82, and before they are cleared for home-consumption, they shall, if the owner so desires, be re-assessed for duty according to their actual value, and a new bond for the same may, at the option of the owner, be executed for the unexpired term of ware-housing.

Re-assessment on alteration of duty or tariff valuation.

110. If, after any goods entered for ware-housing have been assessed under Section 82, any alteration is made in the duty leviable upon such goods, or in the tariff valuation (if any) applicable thereto, such goods shall be re-assessed in accordance with such alteration.

Allowance in case of wine, spirit or beer.

111. If it appear, at the time of clearing any wine, spirit or beer from any ware-house for home-consumption, that there exists a deficiency, not otherwise accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector, an allowance on account of ullage and wastage shall be made in adjusting the duties thereon, as follows (namely) :—

upon wine, spirit and beer in cask to an extent not exceeding the rates specified below, or such other rates as may be prescribed in this behalf by Our Government and notified in the Gazette :—

For any time not exceeding six months, two and a half per cent.

" exceeding six months and not exceeding twelve months, five per cent.

For any longer time which may be sanctioned by Our Government under Sections 98 and 99, a further allowance may be made at the rate of two and a half per cent. for every extra six months, provided that the total allowance shall not exceed twelve per cent.

Further special allowance.

112. When any wine, spirit or beer lodged in a ware-house is found to be deficient at the time of the delivery therefrom, and such deficiency is proved to be due solely to ullage or wastage, the Controlling Officer of Customs may direct, in respect of any such article, that allowance shall be made in any special case for a rate of ullage or wastage exceeding that contemplated in Section 111.

Of the Forfeiture and Discharge of the Bond.

When goods are improperly removed from ware-house or allowed to remain beyond time fixed.

113. If any ware-housed goods are removed from the ware-house in contravention of Section 97, or

if any such goods have not been removed from the ware-house at the expiration of the time during which such goods are permitted by Section 98 to remain in such ware-house; or

Or lost or destroyed.

if any goods in respect of which a bond has been executed under Section 87, and which have not been cleared for home-consumption or for shipment, or removed under this Regulation, or are lost or destroyed otherwise than as provided in Section 95, or as mentioned in Section 117, or are not accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector, or

if any such goods have been taken under Section 95 as samples without payment of duty,

The Customs Officer may demand duty, &c.

such Officer may thereupon demand, and the owner of such goods shall forthwith pay, the full amount of duty chargeable on account of such goods, together with all rent, penalties, interest and other charges payable to such Officer on account of the same.

Procedure on failure to pay duty, &c.

114. If any owner fails to pay any sum so demanded, the Chief Customs Officer or the Customs Inspector may forthwith either proceed upon the bond executed under Section 87, or cause such portion as he thinks fit of the goods (if any) in the ware-house, on account of which the amount is due, to be detained with a view to the recovery of the demand;

and if the demand is not discharged within seven days from the date of such detention (due notice thereof being given to the owner), the goods so detained may be sold by public auction duly advertised in the Gazette.

The net proceeds of any sale so made of goods so detained, shall be written off upon the bond in discharge thereof, to the amount received, and if any surplus be obtained from such sale beyond the amount of the

---

Sec. 114: (1) In Sec. 119 of the Indian Act, the period allowed under the second Para is 'ten days.'

In the third Para, the following words occur after 'sale' at the end:—"or that sufficient cause be shown for not making the application within such period."

demand, such surplus shall be paid to the owner of the goods: Provided that application for the same is made within one year from the date of sale.

No transfer or assignment of the goods shall prevent the Chief Customs Officer or the Customs Inspector from proceeding against such goods in the manner above provided, for any amount due thereon.

Noting removal of goods.

115. When any ware-housed goods are taken out of any ware-house, the Chief Customs Officer or the Customs Inspector shall cause the fact to be noted on the back of the bond.

Every note so made shall specify the quantity and description of such goods, the purpose for which they have been removed, the date of removal, the name of the person removing them, the number and date of the shipping-bill under which they have been taken away if removed for exportation by sea, or of the bill-of-entry if removed for home-consumption, and the amount of duty paid (if any).

Register of bonds.

116. A register shall be kept of all bonds entered into for Customs duties on ware-housed goods, and entry shall be made in such register of all particulars required by Section 115 to be specified.

Cancellation and return of bonds.

When such register shows that the whole of the goods covered by any bond have been cleared for home-consumption or for shipment, or otherwise duly accounted for, and when all amounts due on account of such goods have been paid, the Chief Customs Officer or the Customs Inspector shall cancel such bond as discharged in full, and shall on demand deliver it, so cancelled, to the person who has executed it or who is entitled to receive it.

Miscellaneous.

Power to remit duties on ware-housed goods lost or destroyed.

117. If any goods, in respect of which a bond has been executed under Section 87 and which have not been cleared for home-consumption, are lost or destroyed by unavoidable accident or delay, Our Government may, in their discertion, remit the duties due thereon:

Provided that, if any such goods be so lost or destroyed in a private ware-house, notice thereof should be given to the Chief Customs Officer or the Customs Inspector, within forty-eight hours after the discovery of such loss or destruction.

118. The ware-house-keeper in respect of goods lodged in a public ware-house, and the licensee in respect of goods lodged in a private ware-house, shall be responsible for their due reception therein and delivery therefrom, and for their safe custody while deposited therein, according to the quantity, weight or gauge reported by the Officer of Customs who has assessed the goods and entered in the accounts, allowance being made, if necessary, for ullage and wastage as provided in Sections 111 and 112:

Responsibility of ware-house-keeper.

Provided that no owner of goods shall be entitled to claim from the Chief Customs Officer, or from the Customs Inspector, or from any keeper of a public ware-house, compensation for any loss or damage occurring to such goods while they are being passed into or out of such ware-house, or while they remain therein, unless it be proved that such loss or damage was occasioned by the wilful act or culpable neglect of the ware-house-keeper or of any Officer of Customs

Compensation for loss or injury.

119. Every public ware-house shall be under the lock and key of a ware-house-keeper appointed for that purpose.

Public ware-house to be locked.

120. The Controlling Officer of Customs may determine in what division of any public ware-house, and in what manner and on what terms, any goods may be deposited, and what sort of goods may be deposited in any such ware-house.

Power to decide where goods may be deposited in public ware-houses.

121. The expenses of carriage, packing and stowage of goods, on their reception into or removal from a public ware-house, shall, if paid by the Chief Customs Officer, or the Customs Inspector, or by the ware-house-keeper, be chargeable on the goods, and be defrayed by, and recoverable from, the owner, in the manner provided in Section 114.

Expenses of carriage, packing, &c., to be borne by owners.

CHAPTER XII.

Transhipment.

122. The Chief Customs Officer or the Customs Inspector may, on application by the owner of any goods imported into a Port, and specially and distinctly manifested at the time of importation as for transhipment to some

Power to permit transhipment.

other Customs or foreign Port, grant leave to tranship the same without payment of the duty, if any, leviable at the Port of transhipment:

Provided that, where the goods so transhipped are dutiable and are to be removed to some other Customs-port, the applicant shall enter into a bond, with such security as may be required of him, in a sum equal to twice the duty chargeable on such goods, for the due arrival and entry thereof at the Port of destination within such time as such Officer directs.

Superintendence of transhipment.

123. An Officer of Customs shall, in every case, be deputed, free of charge to superintend the removal of transhipped goods from vessel to vessel.

Rules as to transhipment.

124. Transhipment shall be performed subject to such Rules as may be made by Our Government and published in the Gazette.

Entry and ware-housing on arrival of goods transhipped under Section 122.

125. All goods transhipped under Section 122 for removal to a Customs-port, shall, on their arrival at such Port, be entered in like manner as goods are entered on the first importation thereof, and under the laws and Rules, in so far as such laws and Rules can be made applicable, which regulate the entry of such last mentioned goods.

Transhipment of provisions, &c.

126. If two or more vessels, belonging wholly or in part to the same owner, be at any Customs-port at the same time, any provisions and stores in use or ordinarily shipped for use on board may, with the permission of the Chief Customs Officer or the Customs Inspector, be transhipped from one such vessel to any other such vessel without payment of import duty.

Levy of transhipment fee.

127. A transhipment fee on any goods, or class of goods, transhipped under this Regulation, may be levied, at such rates, and under such Rules, as Our Government may, by Notification in the Gazette, prescribe for each Port.

Power to prohibit transhipment.

128. Our Government may, by Notification in the Gazette, prohibit, at any specified Port, or at all Ports, the transhipment of any specified class of goods generally, or when destined for any specified Ports; or prescribe any special mode of transhipping any specified class of goods.

No goods to be transhipped except as provided.

129. Except as provided in this Regulation, no goods shall be transhipped at any Port or place in Travancore.

CHAPTER XIII.

Exportation or Shipment and Re-landing.

No goods to be shipped, &c., till entry outwards of vessel.

130. Except with the written permission of the Chief Customs Officer or the Customs Inspector, no goods, other than passengers' baggage or ballast urgently required for a vessel's safety, shall be shipped, or water-borne to be shipped, in any vessel in a Customs-port until an order has been obtained under Section 56 for entry outwards of such vessel.

When such order has been obtained, the export cargo of such vessel may be shipped, subject to the provisions next hereinafter contained.

Clearance for shipment.

131. Unless Our Government shall, in the case of any Customs-port or wharf, or of any class of goods, otherwise direct by Notification in the Gazette, no goods, except passengers' baggage, shall be shipped or water-borne to be shipped for exportation, until—

(a) the owner has delivered to the proper Officer of Customs a shipping-bill of such goods, in duplicate, in such Form and containing such particulars, in addition to those specified in Section 30, as the Controlling Officer of Customs may prescribe ;

(b) such owner has paid the duties (if any) payable on such goods; and

(c) such bill has been passed by the Chief Customs Officer or the Customs Inspector.

Bond required in certain cases before exportation.

132. Before any ware-housed goods, or goods subject to Excise duties, or goods entitled to drawback of Customs duties on exportation, or goods exportable only under particular Rules or restrictions, are permitted to be exported, the owner shall, if required so to do, give security by bond in such sum, not exceeding twice the duty leviable on such goods, as the Chief Customs Officer or the Customs Inspector may direct, with one sufficient surety, that such goods shall be duly shipped, exported and landed at the place for which they are entered outwards or otherwise accounted for to the satisfaction of such Officer.

Additional charge on goods declared for shipment after port-clearance granted.

133. When goods are cleared for shipment on a shipping-bill presented after port-clearance has been granted, additional duty may, subject to any Rules framed by Our Government in this behalf and published in the Gazette, be levied beyond any duty to which such goods are ordinarily liable, not exceeding—

(*a*) in the case of goods liable to duties on fixed tariff valuations, one per cent. on the tariff value ;

(*b*) in the case of all other goods, one per cent. on the market value.

Notice of non-shipment or re-landing and return of duty thereon.

134. If any goods mentioned in a shipping-bill or manifest be not shipped, or be shipped and afterwards re-landed, the owner shall, before the expiration of five clear working days after the vessel on which such goods were intended to be shipped, or from which they were re-landed, has left the Port, give information of such short-shipment or re-landing, to the Chief Customs Officer or the Customs Inspector.

The Controlling Officer of Customs may order the refund of any duty levied upon goods not shipped, or upon goods shipped and afterwards re-landed, to the person on whose behalf such duty was paid, provided that no such refund shall be ordered unless information has been given as above required.

Goods re-landed or transhipped from a vessel returning to Port, &c.

135. If, after having cleared from any Customs-port, any vessel, without having discharged her cargo, returns to such Port, or puts into any other Customs-port, any owner of goods in such vessel, if he desires to land or tranship the same or any portion thereof for re-export, may, with the consent of the Master, apply to the Chief Customs Officer or the Customs Inspector in that behalf.

Such Officer, if he grant the application, shall thereupon send an Officer of Customs to watch the vessel and to take charge of such goods during such re-landing or transhipment.

Such goods shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless they are lodged, and remain until the time of re-export under the custody of an Officer of Customs, in a place appointed by the Chief Customs Officer or the Customs Inspector, or are transhipped under such custody.

All expenses attending such custody shall be borne by the owner.

Vessels returning to Port may enter and land goods under import Rules.

136. In either of the cases mentioned in Section 135, the Master of the vessel may enter such vessel inwards, and any owner of goods therein may, with the consent of the Master, land the same under the Rules herein contained for the importation of goods.

In every such case, any export duty levied shall be refunded to, and any amount paid in drawback shall be recovered from, such owner.

Landing of cargo during repairs.

137. The Chief Customs Officer or the Customs Inspector may, on application by the Master of any vessel which is obliged before completing her voyage, to put into any Customs-port for repairs, permit him to land the cargo, or any portion thereof, and to place it in the custody of an Officer of Customs during such repairs, and to re-ship and export the same free of duty. All expenses attending such custody shall be borne by the Master.

CHAPTER XIV.

Coasting-Trade.

Chapters VII, IX, X and part of XIII inapplicable to coasting-trade.

138. Except as hereinafter provided, nothing in Chapters VII, IX, X and Sections 130, 133 and 135 to 137 inclusive, of this Regulation, shall apply to coasting vessels or to goods imported or exported in such vessels.

Power to regulate coasting-trade.

139 Our Government may make Rules, consistent with the provisions of this Chapter,—

(a) extending any provision of the Chapters and Sections mentioned in Section 138, with or without modification, to any coasting vessels, or to any goods imported or exported in such vessels ;

(b) exempting any such vessels or goods from any of the other provisions of this Regulation, except those contained in this Chapter ;

(c) prescribing the conditions on which goods, or any specified class of goods, (i) may be carried in a coasting vessel, whether shipped at a foreign Port, or at a Customs port, or at a place declared under Section 11 to be a Port, or (ii) may be shipped in a coasting vessel before all dutiable goods and goods brought in such vessel from a foreign Port have been unladen ;

(d) prohibiting the conveyance of any specified class of goods, generally, or to or between specified Ports, in a coasting vessel.

140. Before any coasting vessel departs from the Port of lading, or when there are more Ports of lading than one, the first Port of lading, the Master shall fill in, sign and deliver to the Chief Customs Officer or the Customs Inspector, a manifest in duplicate, containing a true specification of all goods to be carried in such vessel, in such Form and accompanied by such shipping-bills or other documents as may be prescribed by the Controlling Officer of Customs.

Coasting vessels to deliver manifest and obtain port-clearance before leaving Port of lading.

If the Chief Customs Officer or the Customs Inspector sees no objection to the departure of the vessel, he shall retain the duplicate and return the original manifest, dated and signed by him, together with its accompaniments; and such manifest shall be the port-clearance of the vessel, unless, under the general orders of the controlling Officer of Customs, a separate port-clearance is prescribed.

141. Within twenty-four hours after the arrival of any coasting vessel at any Customs-port, whether intermediate or final, and before any goods are there discharged, the manifest, together with the other documents referred to in Section 140, shall be delivered to the Chief Customs Officer or the Customs Inspector, who shall note on the manifest the date of delivery.

Delivery of manifest, &c., on arrival.

If the vessel has touched at any foreign Port between such Port of arrival and her last preceding Customs-port of departure, the Master shall append to the manifest a declaration to that effect, and shall also indicate on the manifest the portions (if any) of the cargo therein described which have heen discharged, and sub-join thereto a true specification of all goods shipped at such Port.

If the Customs-port of arrival be an intermediate Port, and a portion only of the cargo is to be discharged thereat, the Master shall likewise so deliver an extract from the manifest signed by him, relating to such portion, and the Chief Customs Officer or the Customs Inspector shall, after verifying such extract, return to him the original manifest and all documents accompanying it except those relating to such portion.

If, in any case, the cargo actually on board any coasting vessel on her arrival at any Customs-port does not, owing to short-shipment, re-landing or other cause, correspond with the specification thereof in the manifest returned to the Master under the second Clause of Section 140, such Master shall, before delivery of such manifest under this Section, note thereon the particulars of the difference.

The Chief Customs Officer or the Customs Inspector, when satisfied with the manifest and other documents, shall grant an order to break bulk.

Departure from intermediate Port.

142. Before any coasting vessel departs from any Customs-port at which she has touched during her voyage, the Master shall re-deliver the original manifest to the Chief Customs Officer or the Customs Inspector, after indicating thereon the portions (if any) of the cargo therein described which have been discharged and sub-joining thereto a true specification of all goods shipped at such Port. He shall also deliver a duplicate, signed by him, of the specification so sub-joined.

If the Chief Customs Officer or the Customs Inspector sees no objection to the departure of the vessel, he shall proceed as prescribed in the second Clause of Section 140.

Power to require bond before port clearance is granted.

143. The Chief Customs Officer or the Customs Inspector may, for sufficient reason, refuse port-clearance to any coasting vessel declared to be bound to, or about to touch at, any Customs-port, unless the owner or Master gives a bond, with such security as such Officer deems sufficient, for the production to such Officer of a certificate from the proper Officer of the Port to which such vessel is said to be bound, of her arrival at such Port within a reasonable time to be prescribed in each case by such Officer.

Discharge of cargo.

144. When permission has been granted by the Chief Customs Officer or the Customs Inspector for the discharge of cargo from any coasting-vessel,—

(a) if the vessel has not touched at any intermediate foreign Port in the course of her voyage, and has not on board any dutiable goods, the cargo may be forthwith landed and removed by the owner, without entry thereof at the Customs house and clearance for home-consumption, but subject to such general check and control as Our Government may, by Rules published in the Gazette, prescribe;

(b) if the vessel has so touched at any such Port, or has on board any such goods, such vessel shall be subject to all the provisions of Chapter VII of this Regulation relating to vessels arriving and relating to such goods, and

until such goods have been duly discharged, all other goods on board shall be subject to the provisions of Chapter IX of this Regulation relating to goods imported.

Goods on coasting vessel, if excisable, not to be unladen without permission.

145. If any of the goods on board of any coasting vessel be subject to any excise duty, they shall not be unladen without the permission of the proper Officer of Excise.

Grant and revocation of general pass.

146. Notwithstanding anything hereinbefore contained, the Controlling Officer of Customs may authorise the Chief Customs Officer or the Customs Inspector to grant a general pass, on any conditions which such controlling Officer thinks expedient, for the lading and clearance, and for the entry and unlading, of any coasting steam-vessel, at any Ports of despatch or destination, or at any intermediate Ports at which she touches for the purpose of receiving goods or passengers.

Such pass shall be valid throughout Travancore, or for such Ports only as may be specified therein.

Any such general pass may be revoked by order of the Controlling Officer of Customs by whom the grant thereof was authorised, by notice in writing under the hand of such Controlling Officer, delivered to the Master, or to the owner of such steam-vessel, or to any of the crew on board.

Rules respecting cargo books to be kept by Masters of coasting vessels.

147. Our Government may direct that the Master of any coasting vessel, which is square-rigged or propelled by steam, shall keep, or cause to be kept, a cargo-book, stating the name of the Master, the vessel, the Port to which she belongs, and the Port to which on each voyage she is bound.

At every Port of lading, such Master shall enter, or cause to be entered, in such book, the name of such Port, and an account of all goods there taken on board of such vessel, with a description of the packages, and the quantities and descriptions of the goods contained therein or stowed loose, and the names of the respective shippers and consignees, in so far as such particulars are known to him.

At every Port of discharge of any such goods, such Master shall enter, or cause to be entered, in such book, the respective days on which such goods or any of them are delivered out of such vessel.

The respective times of departure from every Port of lading and of arrival at every Port of discharge, shall in like manner be duly entered.

Every such Master shall, on demand, produce his cargo-book for the inspection of any Officer of Customs, and such Officer shall be at liberty to make any note or remark therein.

Our Government may, in the case of any vessel the Master whereof has been directed to keep a cargo-book under this Section, dispense with the manifest required under Sections 140, 141 and 142.

Power to board and examine coasting vessels.

148. Any duly empowered Officer of Customs may go on board of any coasting vessel in any Port or place in Travancore and may, at any period of a voyage, search any such vessel and examine all goods on board, and all goods then lading or unlading, and demand the production of any document which ought to be on board of any such vessel.

The Officer of Customs may further require that any such document belonging to any coasting vessel then in Port shall be brought to him for inspection.

CHAPTER XV.

Offences and Penalties.

Punishment for offences.

149. The offences mentioned in the second Column of the following Schedule shall be punishable, to the extent mentioned in the fourth column of the same, with reference to such offences respectively.

Sec. 149 (*No. 35*): In the first Column, the Indian Act has at the end—"or attempts to remove them with the intention of defrauding the revenue."

Sec. 149 (*No. 74*): In the Indian Act the wording of the offence is :—" If any Police-Officer whose duty it is, under Sec. 180, to send a written notice or cause goods to be conveyed to a Customs-house, neglects to do so."

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
1	Contravening any Rule made under this Regulation.	General.	Penalty not exceeding rupees five hundred.
2	If any goods be landed or shipped, or if an attempt be made to land or ship any goods; or if any goods be brought into any bay, river, creek or arm of the sea, for the purpose of being landed or shipped, at any Port or place which, at the date of such landing, shipment, attempt or bringing, is not a Port for the landing and shipment of goods.	10	Such goods shall be liable to confiscation.
3	If any person ship or land goods, or aid in the shipment or landing of goods, or knowingly keep or conceal, or knowingly permit or procure to be kept or concealed, any goods shipped or landed, or intended to be shipped or landed, contrary to the provisions of this Regulation; or	General	Such person shall be liable to a penalty not exceeding rupees one thousand.
	if any person be found to have been on board of any vessel liable to confiscation on account of the commission of an offence under No. 4 of this Schedule while such vessel is within any bay, river, creek or arm of the sea, which is not a Port for the shipment and landing of goods.	10	
4	If any vessel which has been within the limits of any Port in Travancore with cargo on board, be afterwards found in any Port, bay, river, creek or arm of the sea in Travancore, light or in ballast, and if the Master be unable to give a due account of the Customs-port where such vessel lawfully discharged her cargo.	10	Such vessel shall be liable to confiscation.
5	If any goods are put, without the authority of the proper Officer of Customs, on board of any tug-steamer or pilot vessel from any sea-going vessel inward bound; or	10	Such goods shall be liable to confiscation, and the Master of every

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	if any goods are put, without such authority, out of any tug-steamer or pilot-vessel for the purpose of being put on board of any such vessel outward bound; or if any goods on which drawback has been granted or put, without such authority, on board of any tug-steamer or pilot-vessel for the purpose of being re-landed.		such tug-steamer or pilot-vessel shall be liable to a penalty not exceeding rupees one thousand.
6	If any vessel arriving at, or departing from, any Customs port, fails, when so required under Section 16, to bring-to at any such station as has been appointed by Our Government for the boarding or landing of an Officer of Customs.	16	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand.
7	If any vessel arriving at any Customs port after having come to its proper place of mooring or unlading, removes from such place except with the authority of the Port Officer, or where no such Officer has been appointed, of the Chief Customs Officer, or the Customs Inspector, or other lawful authority, to some other place of mooring, or unlading, or if any vessel not brought into Port by a pilot be not anchored or moored in accordance with any direction of Our Government under Section 16.	16	The Master of such vessel shall be liable to a penalty not exceeding rupees five hundred, and the vessel, if not entered, shall not be allowed to enter until the penalty is paid.
8	If any goods, the importation or exportation of which is for the time being prohibited or restricted by or under Chapter IV of this Regulation, be imported into or exported from Travancore, contrary to such prohibition or restriction; or if any attempt be made so to import or export any such goods; or If any such goods be found in any package produced to any Officer of Customs as containing no such goods; or	17 and 18	Such goods shall be liable to confiscation, and any person concerned in any such offence shall be liable to a penalty not exceeding three times the value of the goods or not exceeding rupees one thousand.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	if any such goods or any dutiable goods be found either before or after landing or shipment to have been concealed in any manner on board of any vessel within the limits of any Port in Travancore ; or if any goods, the exportation of which is prohibited or restricted as aforesaid, be brought to any wharf in order to be put on board of any vessel for exportation contrary to such prohibition or restriction.		
9	If, upon an application to pass any goods through the Customs house, any person not being the owner of such goods, and not having proper and sufficient authority from the owner, subscribes or attests any document relating to any goods on behalf of such owner.	General.	Such person shall be liable to a penalty not exceeding rupees one thousand.
10	If any goods, on the entry of which for re-export draw back has been paid, are not duly exported, or are unshipped or re-landed at any Customs port (not having been duly re-landed or discharged under the provisions of this Regulation).	42 and 43	Such goods together with any vessel used in so unshipping or re-landing them, shall be liable to confiscation; and the Master of the vessel from which such goods are so unshipped or re-landed and any person by whom or by whose orders or means such goods are so unshipped or re-landed or who aids or is concerned in such unshipping or re-landing, shall be liable to a penalty not exceeding three times the value of such goods or not exceeding rupees one thousand.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
11	If any goods be entered for drawback, which are of less value than the amount of the drawback claimed.	46	Such goods shall be liable to confiscation.
12	If, in any river or port wherein a place has been fixed under Section 48 by Our Government, any vessel arriving passes beyond such place before delivery of a manifest to the pilot, Officer of Customs or other person duly authorised to receive the same.	48	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand.
13	If the Master of any vessel arriving, which remains outside or below any place so fixed, wilfully omits for the period of twenty-four hours after anchoring, to deliver a manifest as required by this Regulation.	48	Such Master shall be liable to a penalty not exceeding rupees one thousand.
14	If, after any vessel arriving has entered any Customs port in which a place has not been fixed under Section 48, the Master of such vessel wilfully omits for the period of twenty-four hours after anchoring, to deliver a manifest as required by this Regulation.	49	Such Master shall be liable to a penalty not exceeding rupees one thousand.
15	If any manifest delivered under Section 48, 49, 55, 58 or 61 is not signed by the person delivering the same and is not in the form or does not contain the particulars required by Section 50 or 58, as the case may be, in so far as such particulars are applicable to the ship, cargo, and voyage; if any manifest so delivered does not contain a specification, true to the best of such person's knowledge, of all goods imported or to be exported in such vessel.	50 and 58	The person delivering such manifest shall be liable to a penalty not exceeding rupees one thousand.
16	If any goods entered in the import manifest of a vessel are not found on board of the vessel; or	50 and 59	The Master of such vessel shall be liable to a penalty not exceeding twice the

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	if the quantity so found is short, and if such deficiency is not accounted for to the satisfaction of the Officer in charge of the Customs house.		amount of duty chargeable on the missing or deficient goods, if they be dutiable and the duty leviable thereon can be ascertained, or otherwise to a penalty not exceeding rupees five hundred for every missing or deficient package or separate article.
17	If any person required by this Regulation to receive a manifest from any Master of a vessel, refuses so to do, or fails to countersign the same, or to enter thereon the particulars referred to in Section 51.	48, 49 and 51	Such person shall be liable to a penalty not exceeding rupees five hundred.
18	If bulk be broken in any vessel previous to the grant, by the Chief Customs Officer or the Customs Inspector, of an order for entry inwards or a special pass permitting bulk to be broken.	52 and 54	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand.
19	If any bill-of-lading or copy required under Section 53 is false and the Master is unable to satisfy the Chief Customs Officer or the Customs Inspector that he was not aware of the fact; or if any such bill or copy has been altered with fraudulent intent; or if the goods mentioned in any such bill or copy have not been *bona fide* shipped as shown therein; or if any such bill-of-lading, or any bill-of-lading of which a copy is delivered, has not been made previously to the departure of the vessel from the place where the goods referred to in such bill-of-lading were shipped; or	53	The Master of the vessel shall be liable to a penalty not exceeding rupees one thousand.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	if any part of the cargo has been staved, destroyed or thrown over board, or if any package has been opened, and such part of the cargo or such package be not accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector.		
20	If any Master of a vessel attempts to depart without a port-clearance.	57	Such Master shall be liable to a penalty not exceeding rupees five hundred.
21	If any vessel actually departs without a port-clearance.	57	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand.
22	If any pilot takes charge of any vessel proceeding to sea, notwithstanding that the Master of such vessel does not produce a port-clearance.	57	Such pilot, on conviction before a Magistrate, shall be liable to a fine not exceeding rupees one thousand.
23	If any Master of a vessel refuses to receive on board an Officer of Customs deputed under Section 62	63	Such Master shall be liable to a penalty not exceeding rupees five hundred for each day during which such Officer is not received on board; and the vessel, if not entered, shall not be allowed to enter until such penalty is paid.
24	If any Master of a vessel refuses to receive on board one servant of such Officer, or to provide such Officer and servant with suitable shelter and accommodation, and with a due allowance of fresh water, and with the means of cooking on board.	63	Such Master shall, in each such case, be liable to a penalty not exceeding rupees five hundred.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
25	If any Master of a vessel refuses to allow such vessel, or any box, place or closed receptacle in such vessel, to be searched when so required by an Officer of Customs bearing a written order to search; or if an Officer of Customs places any lock, mark or seal upon any goods in a vessel and such lock, mark or seal is wilfully opened, altered or broken, before due delivery of such goods; or if any such goods are secretly conveyed away; or if any hatchway or entrance to the hold of a vessel, after having been fastened down by an Officer of Customs, is opened without his permission.	64	The Master of such vessel shall be liable, upon conviction before a Magistrate, to a fine not exceeding rupees one thousand.
26	If the Master of any vessel laid up by the withdrawal of the Officer of Customs shall, before application is made by him for an Officer of Customs to superintend the receipt of cargo, cause or suffer to be put on board of such vessel any goods whatever, in contravention of Section 65.	65	Such Master shall be liable to a penalty not exceeding rupees one thousand and the goods, if protected by a pass, shall be liable to be re-landed for examination at the expense of the vessel and, if not protected by a pass, shall be liable to confiscation.
27	If any Master of a vessel, in any case other than that provided for by No. 26, causes or suffers any goods to be discharged, shipped or water-borne, contrary to any of the provisions of Section 65, 67 or 70.	65, 67 and 70	Such Master shall be liable to a penalty not exceeding rupees one thousand; and all goods so discharged, shipped or water-borne shall be liable to confiscation.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
28	If, when a boat-note is required by Section 71, any goods water-borne for the purpose of being landed from any vessel, and ware-housed or passed for importation, or for the purpose of being shipped for exportation, be found without such note; or if any goods are found on board any boat in excess of or different from such boat-note, whether such goods are intended to be landed from, or to be shipped on board of, any vessel.	71	Such goods shall be liable to confiscation, and the person by whose authority the goods are being landed or shipped, and the person in charge of the boat, shall each be liable to a penalty not exceeding twice the amount of duty (if any) leviable on the said goods.
29	If any person refuses to receive, or fails to sign or to note the prescribed particulars upon any boat-note as required by Section 71, or if any Master or Officer of a vessel receiving the same fails to deliver it when required so to do by any Officer of Customs authorised to make such requisition.	71	Such person, Master or Officer shall be liable to a penalty not exceeding rupees five hundred.
30	If any goods are, without permission, shipped, or water-borne to be shipped, or are landed except from or at a duly notified wharf or other place appointed for the purpose by the Port Officer; or if any goods, waterborne for the purpose of being landed or shipped, or not landed or shipped, without unnecessary delay; or if the boat containing such goods be found out of the proper track between the vessel and the wharf or other proper place of landing or shipping, and such deviation be not accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector; or if any goods are transhipped contrary to the provisions of Section 73.	68 72 73	Such goods shall be liable to confiscation, and the person by whose authority the goods are shipped, landed, water-borne, or transhipped, and the person in charge of the vessel employed in conveying them, shall each be liable to a penalty not exceeding twice the amount of the duty (if any) leviable on such goods.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
31	If, after the issue of a Notification under Section 74 with regard to any Port, any goods are found within the limits of such Port on board of any boat not duly licensed and registered.	74	Such goods, unless they are covered by a special permit from the Chief Customs Officer or the Customs Inspector, shall be liable to confiscation, and the owner, or the person in charge of the boat, shall be liable to a penalty not exceeding rupees one hundred.
32	If any Master of a vessel discharges, or suffers to be discharged, any goods not duly entered in the manifest of such vessel.	50 and 77	Such Master shall be liable to a penalty not exceeding rupees one thousand.
33	If any goods are found concealed in any place, box or closed receptacle in any vessel, and are not duly accounted for to the satisfaction of the Officer in charge of the Customs house.	General.	Such goods shall be liable to confiscation.
34	If any goods are found on board in excess of those entered in the manifest, or not corresponding with the specification therein contained	50 and 77	Such goods shall be liable to confiscation, or to be charged with such increased rates of duty as the Chief Customs Officer or the Customs Inspector may direct.
35	If, after any goods have been landed and before they have been passed through the Customs-house, the owner removes or attempts to remove them.	81 and 91	Such goods shall be liable to confiscation; or if the goods cannot be recovered, the owner shall be liable in addition to full duty, to a penalty

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
			not exceeding twice the amount of such duty if the goods be dutiable and the duty leviable thereon can be ascertained; or otherwise to a penalty not exceeding rupees one thousand, for every missing or deficient package or separate article.
36	If it be found, when any goods are entered at, or brought to be passed through, a Customs house, either for importation or exportation, that— (*a*) the packages in which they are contained differ widely from the description given in the bill-of-entry or application for passing them; or (*b*) the contents thereof have been wrongly described in such bill or application as regards the denominations, character or conditions, according to which such goods are chargeable with duty or are being imported or exported; or (*c*) the contents of such packages have been mis-stated in regard to sort, quality, quantity or value; or (*d*) goods not stated in the bill-of-entry or application have been concealed in, or mixed with, the articles specified therein, or have apparently been packed so as to deceive the Officers of Customs, and such circumstance is not accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector.	81 and 131	Such packages, together with the whole of the goods contained therein, shall be liable to confiscation, and every person concerned in any such offence shall be liable to a penalty not exceeding rupees one thousand.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
37	If, when goods are passed by tale or by package, any omission or mis-description thereof tending to injure the revenue be discovered.	81 and 89	The person guilty of such omission or mis-description shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or mis-description, unless it be proved to the satisfaction of the Officer in charge of the Customs house that the variance was accidental.
38	If, without entry duly made, any goods are taken or passed out of any Customs house or wharf.	81	The person so taking or passing such goods shall, in every such case, be liable to a penalty not exceeding rupees five hundred, and such goods shall be liable to confiscation.
39	If any prohibited or dutiable goods are found, either before or after landing, concealed in any passenger's baggage.	General.	Such passenger shall be liable to a penalty not exceeding rupees five hundred, and such goods shall be liable to confiscation.
40	If any goods entered to be ware-housed are carried into the ware-house, unless with the authority, or under the care, of the proper Officers of Customs, and in such manner, by such persons, within such times and by such roads or ways, as such Officers direct.	88	Such goods shall be liable to confiscation, and any person so carrying them shall be liable to a penalty not exceeding rupees one thousand.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
41	If any goods entered to be ware-housed are not duly ware-housed in pursuance of such entry, or are withheld or removed from any proper place of examination before they have been examined and certified by the proper Officer.	89	Such goods shall be deemed not to have been duly ware-housed and shall be liable to confiscation.
42	If any ware-housed goods be not ware-housed in accordance with Sections 89 and 90.	89 and 90	Such goods shall be liable to confiscation.
43	If the licensee of any private ware-house, licensed under this Regulation, does not open the same when required so to do by any Officer entitled to have access thereto, or, upon demand made by any such Officer, refuses such access to any such Officer.	92	Such licensee shall be liable to a penalty not exceeding rupees one thousand, and he shall further be liable to have his license forthwith cancelled.
44	If the keeper of any public ware-house, or the licensee of any private ware-house, neglects to stow the goods ware-housed therein so that easy access may be had to every package and parcel thereof.	Chapter XI.	Such keeper or licensee shall, for every such neglect, be liable to a penalty not exceeding rupees fifty.
45	If the owner of any ware-housed goods, or any person in the employ of such owner, clandestinely opens any ware house, or, except in the presence of the proper Officer of Customs, gains access to his goods.	94	Such owner or person shall, in every such case, be liable to a penalty not exceeding rupees one thousand.
46	If any ware-housed goods are opened in contravention of the provisions of Section 93; or if any alteration be made in such goods or in the packing thereof, except as provided in Section 95.	93 and 95	Such goods shall be liable to confiscation.
47	If any goods lodged in a private ware-house are found, at the time of delivery therefrom, to be deficient, and such	118	The licensee of such ware-house shall, unless the deficiency

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	deficiency is not due solely to ullage or wastage as allowed under Sections 111 and 112.	118	be accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector, be liable to a penalty equal to five times the duty chargeable on the goods so deficient.
48	If the keeper of any public ware-house, or the licensee of any private ware-house, fails, on the requisition of any Officer of Customs, to produce any goods which have been deposited in such ware-house, and which have not been duly cleared and delivered therefrom, and is unable to account for such failure to the satisfaction of the Chief Customs Officer or the Customs Inspector.	118	Such keeper or licensee shall, for every such failure, be liable to pay the duties due on such goods, and also a penalty not exceeding rupees fifty in respect of every package or parcel so missing or deficient.
49	If any goods, after being duly ware-housed, are fraudulently concealed in, or removed from, the ware-house, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal removal or concealment.	Chapter XI.	Such goods shall be liable to confiscation and any person concerned in any such offence shall be liable to a penalty not exceeding rupees one thousand.
50	If any goods lodged in a private ware-house are found to exceed the registered quantity.	Chapter XI	Such excess, unless accounted for to the satisfaction of the Officer in charge of the Customs-house, shall be charged with five times the ordinary duty thereon.
51	If any goods be removed from the ware-house in which they were originally deposited, except in the presence or with the	Chapter XI	Such goods shall be liable to confiscation, and any

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	sanction of the proper Officer, or under proper authority for their delivery.	Chapter XI	person so removing them shall be liable to a penalty not exceeding rupees one thousand.
52	If any person illegally takes any goods out of any ware-house without payment of duty, or aids, assists or is concerned therein.	Do.	Such person shall be liable to a penalty not exceeding rupees one thousand.
53	If any person contravenes any Rule regarding the process of transhipment made by Our Government, or any prohibition or order relating to transhipment notified by Our Government, or tranships goods not allowed to be transhipped.	124 & 128	Such person shall be liable to a penalty not exceeding rupees one thousand; and any goods in respect of which such offence has been committed shall be liable to confiscation.
54	If any goods be taken on board of any vessel at any Customs-port in contravention of Section 130.	130	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand.
55	If any goods, not specified in a duly passed shipping bill, are taken on board of any vessel, contrary to the provisions of Section 131.	131	The Master of such vessel shall be liable to a penalty not exceeding rupees fifty for every package of such goods.
56	If any goods specified in the manifest of any vessel or in any shipping-bill are not duly shipped before the departure of such vessel, or are re-landed, and notice of such short shipment or re-landing be not given as required by Section 134.	134	The owner of such goods shall be liable to a penalty not exceeding rupees one hundred and such goods shall be liable to confiscation.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
57	If any goods duly shipped on board of any vessel be landed, except under Section 135, 136 or 137, at any place other than that for which they have been cleared.	135	The Master of such vessel shall, unless the landing be accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector, be liable to a penalty not exceeding three times the value of such goods so landed.
58	If any goods on account of which drawback has been paid be not found on board of any vessel referred to in Section 136.	136	The Master of such vessel shall be liable to a penalty not exceeding the entire value of such goods, unless the fact be accounted for to the satisfaction of the Chief Customs Officer or the Customs Inspector.
59	If, in contravention of any Rules made under Section 139, any goods are taken into, or put out of, or carried in, any coasting vessel; or if any such Rules be otherwise infringed.	139	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand.
60	If, contrary to any such Rules, any coasting vessel touches at any foreign Port, or deviates from her voyage, unless forced by unavoidable circumstances; or if the Master of any such vessel, which has touched at a foreign Port, fails to declare the same in writing to the Chief Customs Officer or the Customs Inspector, at the Customs-port at which such vessel afterwards first arrives.	141	The Master of such vessel shall be liable to a penalty not exceeding rupees one thousand; and, if any goods liable to export-duty have been landed from, or any goods liable to import duty have been shipped in, such vessel at such

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
			foreign Port, such Master shall further be liable to a penalty not exceeding three times the duty which would have been leviable on such goods if they had been exported from, or imported at, a Customs-port, to or from a foreign Port, as the case may be.
61	If, in the case of any coasting vessel, any of the provisions of Section 140, 141 or 142 are not complied with.	140, 141 and 142	The Master of such vessel shall, in each such case, be liable to a penalty not exceeding rupees five hundred.
62	If the person executing any bond given under Section 143 fail to produce the certificate mentioned in the same Section, or to show sufficient reason for its non-production.	143	Such person shall be liable to a penalty equal to double the amount of Customs duty which would have been chargeable on the export-cargo of the vessel had she been declared to be bound to a foreign Port.
63	If the Master of any coasting vessel violates any of the conditions under which a general pass for such vessel has been granted.	146	Such Master shall be liable to a penalty not exceeding rupees one thousand.
64	If any Master of a coasting vessel contravenes any of the provisions of Section 147.	147	Such Master shall be liable to a penalty not exceeding rupees five hundred.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
65	If, upon examination, any package entered in the cargo-book required by Section 147, as containing dutiable goods, is found not to contain such goods ; or if any package is found to contain dutiable goods not entered, or not entered as such, in such book.	147	Such package, with its contents, shall be liable to confiscation.
66	If the Master of any coasting vessel, required under Section 147 to keep a cargo-book, fails correctly to keep or to cause to be kept, such book, or to produce the same on demand ; or if, at any time, there be found on board of any such vessel, any goods not entered in such book as laden, or any goods noted as delivered ; or if any goods entered as laden and noted as delivered be not on board.	147	Such Master shall be liable to a penalty not exceeding rupees five hundred.
67	If, contrary to the provisions of this or any other law for the time being in force relating to the Customs, any goods are laden on board of any vessel in any Customs-port and carried coastwise ; or if any goods which have been brought coastwise are so unladen in any such Port ; or if any goods are found on board of any coasting vessel without being entered in the manifest or cargo book or both (as the case may be) of such vessel.	Chapter XIV	Such goods shall be liable to confiscation, and the Master of such vessel shall be liable to a penalty not exceeding rupees five hundred.
68	If the Master of any coasting vessel refuses to bring any document to the Chief Customs Officer or the Customs Inspector, when so required under Section 148.	148	Such Master shall be liable to a penalty not exceeding rupees two hundred.
69	If any person makes, or signs, or uses, any declaration or document used in the transaction of any business relating to the Customs, knowing such declaration or	General.	Such person shall, on conviction of any such offence before a Magistrate, be

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
	document to be false in any particular; or counterfeits, falsifies, or fraudulently alters, or destroys any such document, or any seal, signature, initials or other mark made or impressed by any Officer of Customs in the transaction of any business relating to the Customs; or being required under this Regulation to produce any document, refuses or neglects to produce such document; or being required under this Regulation to answer any question put to him by an Officer of Customs, does not truly answer such question.		liable to a fine not exceeding rupees one thousand.
	If any person on board of any vessel or boat in any Customs port, or who has landed from any such vessel or boat, upon being asked by any Officer of Customs whether he has dutiable or prohibited goods about his person or in his possession, declares that he has not, and if any such goods are, after such denial, found about his person or in his possession.	General.	Such goods shall be liable to confiscation, and such person shall be liable to a penalty not exceeding three times the value of such goods.
71	If any Officer of Customs requires any person to be searched for dutiable or prohibited goods, or to be detained, without having reasonable ground to believe that he has such goods about his person or has been guilty of an offence relating to the Customs.	151	Such Officer shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees five hundred.
72	If any Officer of Customs, or other person duly employed for the prevention of smuggling, is guilty of a wilful breach of the provisions of this Regulation.	General.	Such Officer or person shall, on conviction before a Magistrate, be liable to simple imprisonment for any term not exceeding two years, or to fine, or to both.

No.	Offence.	Section of this Regulation to which offence has reference.	Penalty.
73	If any Officer of Customs, or other person duly employed for the prevention of smuggling, practises, or attempts to practise, any fraud, for the purpose of injuring the Customs revenue, or abets or connives at, any such fraud, or any attempt to practise any such fraud.	General.	Such Officer or person shall, on conviction before a Magistrate, be liable to simple imprisonment for any term not exceeding two years, or to fine, or to both.
74	If any Police-Officer whose duty it is, under Section 162, to send a written notice to the nearest Customs house, neglects so to do.	162	Such officer shall, on conviction before a Magistrate, be liable to a penalty not exceeding rupees one hundred.
75	If any person intentionally obstructs any Officer of Customs or other person duly employed for the prevention of smuggling, in the exercise of any powers given under this Regulation to such Officer or person.	General.	Such person shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding six months, or to a fine not exceeding rupees one thousand, or to both.
76	If any Officer of Customs, except in the discharge in good faith of his duty as such Officer, discloses any particulars learned by him in his official capacity in respect of any goods, or shows any samples delivered to him in such capacity, or if any Officer of Customs, except as permitted by this Regulation, parts with the possession of any samples delivered to him in his official capacity.	Do.	He shall be liable to a penalty not exceeding rupees one thousand.
77	If any person without the approval of the Chief Customs Officer or the Customs Inspector, under Section 185, acts as an agent for the transaction of business as therein mentioned.	185	Such person shall be liable to a penalty not exceeding rupees five hundred.

NOTE.—Nothing in the third column of the above Schedule shall be deemed to have the force of law.

150. The confiscation of any goods under this Regulation shall include any package in which they are found, and all the other contents thereof.

Packages and contents included in confiscation of goods.

Every vessel, cart or other means of conveyance, and every horse or other animal, used in the removal of any goods liable to confiscation under this Regulation, shall in like manner be liable to confiscation.

Also conveyances and animals used in removal.

The confiscation of any vessel under this Regulation includes her tackle, apparel and furniture.

Tackle, &c., included in confiscation of vessels.

CHAPTER XVI.

Procedure relating to Offences, Appeals, etc.

151. Any Officer of Customs may search any person on board of any vessel in any Port in Travancore or any person who has landed from any vessel:

Power to search on suspicion.

Provided that such Officer believes, in good faith, that such person has dutiable or prohibited goods secreted about his person.

152. When any Officer of Customs is about to search any person under the provisions of Section 151, such person may require the said Officer to take him, previous to search, before the nearest Magistrate or Chief Customs Officer or Customs Inspector.

Persons may, before search, require to be taken before Magistrate or Chief Customs Officer or Customs Inspector.

If such requisition be made, the Officer of Customs may detain the person making it until he can bring him before the nearest Magistrate or Chief Customs Officer or Customs Inspector.

The Magistrate or Chief Customs Officer or Customs Inspector, before whom any person is so brought, shall, if he see no reasonable ground for search, forthwith discharge such person; but if otherwise, shall direct that the search be made.

A female shall not be searched by any but a female.

153. Any Officer of Customs, or other person duly employed for the prevention of smuggling, may stop and search for smuggled goods, any vessel, cart or other means of conveyance:

Power to stop vessels, carts, &c., and search for goods on reasonable suspicion.

Provided that he believes, in good faith, that smuggled goods are contained therein.

154. Any Magistrate may, on application by a Customs Inspector, stating his belief that dutiable or prohibited goods are secreted in any place within the local limits of the jurisdiction of such Magistrate, issue a warrant to search for such goods

Power to issue search-warrants.

Such warrant shall be executed in the same way and shall have the same effect, as a search-warrant issued under the Code of Criminal Procedure.

155. Any person against whom a reasonable suspicion exists that he has been guilty of an offence under this Regulation, may be arrested in any place, either upon land or upon water, by any Officer of Customs or by any other person duly employed for the prevention of smuggling.

Person reasonably suspected may be arrested.

156. Every person arrested on the ground that he has been guilty of an offence under this Regulation shall forthwith be taken before the nearest Magistrate, or Chief Customs Officer, or Customs Inspector.

Persons arrested to be taken to the nearest Magistrate or Customs Officer.

157. When any such person is taken before a Magistrate, such Magistrate may, if he thinks fit, order him to be kept in custody for such time as is necessary to enable such Magistrate to communicate with the proper Officer of Customs:

Persons taken before Magistrate may be detained, &c.

Provided that any person so arrested or kept shall be released, on giving security to the satisfaction of the Magistrate, to appear at such time and place as such Magistrate appoints in this behalf.

158. If any person liable to be arrested under this Regulation is not arrested at the time of committing the offence for which he is so liable, or if, after arrest, he makes his escape, he may, at any time afterwards, be arrested and taken before a Magistrate, to be dealt with as if he had been arrested at the time of committing such offence.

Persons escaping may be afterwards arrested.

159. When any person employed on the crew of any of the ships of His Majesty's Navy, Indian Marine or Marine Survey, is arrested under this Regulation, the arresting Officer shall forthwith give notice thereof to the Commanding Officer of the ship, who shall thereupon place such person in security on board of such ship, until the arresting Officer has obtained a warrant from a Magistrate for bringing up such person to be dealt with according to law.

Persons in His Majesty's Navy, when arrested, to be secured on board until warrant procured.

The Magistrate shall grant such warrant upon complaint made to him by the arresting Officer, stating the offence for which the person is detained.

Seizure of things liable to confiscation.

160. Anything liable to confiscation under this Regulation may be seized in any place, either upon land or upon water, by any Officer of any of the Departments of Customs, Excise, Police or Land Revenue.

Things seized how dealt with.

161. All things seized on the ground that they are liable to confiscation under this Regulation shall, as soon as conveniently may be, be delivered into the care of any Customs Officer authorised to receive the same.

If there be no such Officer at hand, all such things shall be carried to and deposited at the Customs house nearest to the place of seizure.

If there be no Customs house within a convenient distance, such things shall be deposited at the nearest place appointed by the Controlling Officer of Customs for the deposit of things so seized.

Procedure in respect of things seized by the Police.

162. When any things liable to confiscation under this Regulation are seized by any Police-Officer, on suspicion that they have been stolen, he may produce them before the Officer in charge of a Police-station or before a Magistrate, and such Officer in charge of the Police-station or the Magistrate, as the case may be, may detain such things until the conclusion of the investigation, enquiry or trial which necessitates such detention.

In every such case, the Police-Officer seizing the things shall send written notice of such seizure and production to the nearest Customs house; and immediately after the conclusion of the investigation, enquiry or trial, the Officer in charge of the Police-station or the Magistrate who made the detention shall cause such things to be conveyed to and deposited at the nearest Customs house, to be there proceeded against according to law.

When seizure or arrest is made, reason in writing to be given.

163. When anything is seized, or any person is arrested, under this Regulation, the Officer or other person making such seizure or arrest shall, on demand by the person in charge of the thing so seized, or by the person so arrested, give him a statement in writing, certifying to such seizure or arrest.

Sec. 163 : The wording of Sec. 181 of the Indian Act is :—" When anything is seized......a statement in writing of the reason for such seizure or arrest."

164. In every case, except the cases mentioned in Section 149, Nos. 25, 69, 71, 72 and 73, in which under this Regulation anything is liable to confiscation or to increased rates of duty, or any person is liable to a penalty, such confiscation, increased rate of duty or penalty may be adjudged—

Adjudication of confiscation and penalties.

(a) without limit by the Controlling Officer of Customs ;

(b) up to confiscation of goods not exceeding rupees two hundred and fifty in value, and imposition of penalty or increased duty not exceeding rupees one hundred, by the Chief Customs Officer ;

(c) up to confiscation of goods not exceeding rupees one hundred in value, and imposition of penalty or increased duty not exceeding rupees twenty five, by the Customs Inspector.

Our Government may, by Notification in the Gazette, confer on any Customs or other Officer, by name or in virtue of his office, all or any of the powers under this Section.

165. Whenever confiscation is authorised by this Regulation, the Officer adjudging it shall give the owner of the goods an option to pay, in lieu of confiscation, such fine as the Officer thinks fit.

Option to pay fine in lieu of confiscation.

166. When anything is confiscated under this Regulation, such thing shall thereupon vest in Our Government.

On confiscation, property to vest in Our Government.

The Officer adjudging confiscation shall take and hold possession of the thing confiscated, and every Officer of Police, on the requisition of such Officer, shall assist him in taking and holding such possession.

167. If any vessel actually departs without a port-clearance, or after failing to bring-to, when required, at any station appointed under Section 16, the penalty to which the Master of such vessel is liable, may be adjudged by the Chief Customs Officer or the Customs Inspector of any Customs-port to which such vessel proceeds or in which she is.

Levy of penalty for failure to bring-to.

A certificate of such departure or failure to bring-to when required, purporting to be signed by the Chief Officer of the Port from which the vessel is stated to have so departed, shall be *prima facie* proof of the fact so certified.

168. The award of any confiscation, penalty or increased rate of duty, under this Regulation, by an Officer of Customs, shall not prevent the infliction of any punishment to which the person affected thereby is liable under any other law.

Penalty under this Regulation not to interfere with punishment under any other law.

169. All offences against this Regulation, other than those cognisable under Section 164 by Officers of Customs, may be tried summarily by a Magistrate.

Offences not specially provided for, how tried.

170. Any person deeming himself aggrieved by any decision or order passed by an Officer of Customs under this Regulation, may, within two months from the date of such decision or order, appeal therefrom to the Controlling Officer of Customs.

Appeal from subordinate to Controlling Officer of Customs.

The Controlling Officer of Customs may thereupon make such further enquiry, and pass such order, as he thinks fit, confirming, altering or annulling the decision or order appealed against:

Provided that no such order shall have the effect of subjecting any person to any greater penalty or rate of duty than has been adjudged against him in the original decision or order.

Every order passed in appeal under this Section shall, subject to the power of revision by Our Government, be final.

171. Where the decision or order appealed against relates to any duty or penalty leviable in respect of any goods, the owner of such goods, if desirous of appealing against such decision or order, shall, pending the appeal, deposit in the hands of the Chief Customs Officer or the Customs Inspector, at the place where the dispute arises, the amount demanded by the Officer passing such decision or order.

Deposit, pending appeal, of duty demanded.

When delivery of such goods to the owner thereof is withheld merely by reason of such amount not being paid, the Chief Customs Officer or the Customs Inspector shall, upon such deposit being made, cause such goods to be delivered to such owner.

If, upon any such appeal, it is decided that the whole or any portion of such amount was not leviable in respect of such goods, such amount or portion (as the case may be) shall be returned to the owner of such goods on demand by such owner.

Power to remit penalty or confiscation.

172. If, upon consideration of the circumstances under which any penalty, increased rate of duty or confiscation has been adjudged under this Regulation by an Officer of Customs, the Controlling Officer of Customs is of opinion that such penalty, increased rate or confiscation ought to be remitted in whole or in part, or commuted, he may remit the same or any portion thereof, or may, with the consent of the owner of any goods ordered to be confiscated, commute the order of confiscation to a penalty not exceeding the value of such goods.

Revision by Our Government.

173. Our Government may, on the application of any person aggrieved by any decision or order passed under this Regulation by the Controlling Officer of Customs, reverse or modify such decision or order.

Goods not to be removed till payment.

174. When any fine, penalty or increased rate of duty is leviable under this Regulation, the goods in respect of which such fine, penalty or rate is leviable, shall not be removed by the owner until such fine, penalty or rate is paid.

Other goods of person liable to fine or penalty may be detained.

If any person has become liable to any such fine, penalty or rate, in respect of any goods, the Chief Customs Officer or the Customs Inspector may detain any other goods belonging to such person passing through the Customs house until such fine, penalty or rate is paid.

Enforcement of payment of penalty.

175. When a penalty or increased rate of duty is adjudged against any person under this Regulation by any Officer of Customs, such Officer, if such penalty or increased rate be not paid, may levy the same by sale of any goods of the said person which may be in his charge, or in the charge of any other Officer of Customs.

When an Officer of Customs who has adjudged a penalty or increased rate of duty against any person, under this Regulation, is unable to realise the unpaid amount thereof from such goods, such Officer may notify in writing to the Tahsildar within the local limits of whose jurisdiction such person resides or owns property, the name and residence of the said person, and the amount of penalty or increased rate of duty unrecovered; and such Tahsildar shall thereupon recover the said amount as if it were an arrear of land revenue.

Sec. 175: Under Sec. 193 of the Indian Act, the Customs Officer has to notify to the Magistrate who proceeds to enforce payment as if such penalty or increased rate had been a fine inflicted by himself.

CHAPTER XVII.

Miscellaneous.

Power to open packages and examine goods.

176. Any Officer of Customs may open any package and examine any goods brought by sea to, or shipped or brought for shipment at, any Customs-port.

Power to take samples of goods.

177. The Chief Customs Officer or the Customs Inspector may, on the entry or clearance of any goods, or at any time while such goods are being passed through the Customs house, take samples of such goods for examination, or for ascertaining the value thereof, on which duties are payable, or for any other necessary purpose.

Every such sample shall be returned to the owner or paid for.

Owner to pay expenses incidental to compliance with Customs law.

178. The unshipping, carrying, shipping and landing of all goods, and the bringing of them to the proper place for examination or weighing, and the putting of them into and out of the scales, and the opening, unpacking, bulking, sorting, lotting, marking and numbering of goods, where such operations are necessary or permitted,

and the removing of goods to, and the placing of them in, the proper place of deposit,

shall be performed by or at the expense of the owner of such goods.

No compensation for loss or injury except on proof of neglect or wilful act.

179. No owner of goods shall be entitled to claim from any Officer of Customs compensation for any loss or damage occurring to such goods, at any time while they remain or are lawfully detained in any Customs house, or on any Customs-house wharf, or under charge of any Officer of Customs, unless it be proved that such loss or damage was occasioned by the culpable neglect or wilful act of such Officer of Customs.

Bar of actions.

180. No suit or other proceeding shall lie against Our Government, or against any Officer of the Government for any act done, or ordered to be done, in good faith, in pursuance of this Regulation.

Sec. 177: The second para in Sec. 195 of the Indian Act is :—" Every such sample shall, if practicable, be at the option of the owner either restored to him, or sold and the proceeds accounted for to him."

Sec. 180: Sec. 198 of the Indian Act runs thus :—"*No proceeding other than a suit shall be commenced against any person for anything purporting to be done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof; or after the expiration of three months from the accrual of such cause.*"

No suit or other proceeding shall lie against Our Government, or against any Officer of the Government, for any act done, or ordered to be done, in pursuance of this Regulation, after the expiry of three months from the accrual of the cause of action.

Power to make Rules regarding disposal of things confiscated and rewards.

181. Our Government may, by Notification in the Gazette, make Rules, consistent with this Regulation, to regulate—

(a) the disposal of all things confiscated under this Regulation; and

(b) the rewards to be paid to Officers, informers and persons co-operating in a seizure, out of the proceeds of the fines, penalties and confiscations under this Regulation.

Wharfage fees.

182. Our Government may fix the period, after the expiration of which, goods left on any Customs house wharf, or other authorised landing place or part of the Customs-house premises, shall be subject to the payment of fees, and the amount of such fees.

Grant of duplicate of documents.

183. A duplicate of any certificate, manifest, bill or other Customs house document may, on payment of a fee to be prescribed therefor, be furnished to any person applying for the same, if the Chief Customs Officer or the Customs Inspector is satisfied that no fraud has been committed or is intended by the applicant.

Amendment of documents.

184. Except in the cases provided for by Sections 37, 50, 58 and 89, the Chief Customs Officer or the Customs Inspector may, in his discretion, upon payment of one rupee, authorise any document, after it has been entered and recorded in the Customs-house, to be amended.

Customs house agent.

185. No person authorised to act as an agent for the transaction of any business relating to the entrance or clearance of any vessel, or the import or export of goods or baggage, shall so act in any Customs house, unless such authorisation is approved by the Chief Customs Officer or the Customs Inspector.

Sec. 183 : (1) The Indian Act fixes a maximum fee of ten rupees.

The Indian Act has at the end a Section (206) which provides for remission of duty and compensation to owner "if in any case relating to the removal of goods from a ware-house, without payment of duty, the person offending be an Officer of Customs not acting in the execution of his duty and be prosecuted to conviction by the owner of such goods."

Such Officer may require any person so authorised to give a bond, with sufficient security, in any sum not exceeding rupees two thousand, for his faithful behaviour as regards the Customs House Rules and Officers.

Such Officer may, in case of misbehaviour of the person so authorised, suspend or withdraw such approval; but an appeal against every such suspension or withdrawal shall lie to the Controlling Officer of Customs, whose decision thereon shall be final.

Every appeal under this Section shall be made within one month of the suspension or withdrawal.

Agent to produce authority if required.

186. When any person applies to an Officer of Customs for permission to transact any specified business with him on behalf of any other person, such Officer may require the applicant to produce a written authority from the person on whose behalf such business is to be transacted, and in default of production of such authority, may refuse such permission.

The clerk, servant or agent of any person, or mercantile firm, may transact business generally at the Customs house on behalf of such person or firm: Provided that the Chief Customs Officer or the Customs Inspector may refuse to recognise such clerk, servant or agent, unless such person or a member of such firm identifies such clerk, servant or agent to such Officer as empowered to transact such business, and deposits with such Officer an authority in writing, duly signed, authorising such clerk, servant or agent to transact such business on behalf of such person or firm.

Rules to be notified.

187. All Rules made under this Regulation shall be notified in the Gazette and shall thereupon have the force of law.

Cancellation of Notifications.

188. Any Notification made by any authority, under powers conferred by this Regulation, may be cancelled in like manner by the same authority.

RULES AND NOTIFICATIONS.

I. RULES.

For ware-housing goods at Alleppey.

(No. S. R. 1093 dated 23rd May 1914.)

In supersession of Notification No. S. R. 1578, dated the 16th March 1911, the following Rules are prescribed, under sanction of His Highness the Maha Raja, for ware-housing goods in the Sirkar sheds and godowns at the Port of Alleppey.

1. These Rules shall come into force at once.

2. On all goods ware-housed, ware-house rent will be charged as follows:—

For the first seven days ... ... Free.

For the first month (continuing from the 8th day)—

Single rate per week as per schedule appended.

For the second month (continuing from the 8th day)—

Double rate per week as per schedule.

For the third month......Treble rates per week.

The rates will be similarly increased for every succeeding month.

Fraction of a week will be counted as one week.

3. Rule 2 does not apply to the open godowns or sheds which have been built for the temporary accommodation of shippers and which are not intended to be used as ware-houses.

4. Goods intended for *export* may be stored in the open godowns or sheds for *seven* days free of charge. But in the case of such goods, should the period of free storage exceed seven days, they will be charged *double* ware-house rates from the date of storage.

5. Importers shall not be permitted to use the open godowns or sheds when such godowns or sheds are required by the exporters for the storage of their goods, nor shall importers be allowed to store their goods in the open godowns free of charge for more than two days. Owners of imported goods using such godowns for more than two days will be charged four times the normal ware-house rates from the date of occupation.

6. The ware house rent shall be paid to the Officer in charge of the Customs house before the goods are removed from the ware-house. But in the case of export by steamers, the above charge may be recovered within twenty-four hours after the departure of the steamer, a penalty of one rupee being imposed for each day of default.

7. In the case of imports, the Assistant Excise Commissioner shall, whenever he finds it necessary, have power to issue notice to the owner, consignee or agent, to remove the goods and pay the rent within a specified time not exceeding

14 days. In the event of failure to pay the rent within such time, the goods or such portion of them, as may be necessary, shall be sold by public auction, and the dues of Government, plus 10 per cent. of such dues, shall be recovered from the proceeds of the sale.

8. Storage of salt, fish, dried prawns or other goods with offensive smell or of a damaging nature in any of the Sarkar ware-houses or sheds is strictly prohibited.

9. Inflammable oils, gun-powder, explosive and other goods of a highly dangerous character, shall not be stored in any of the Sirkar ware-houses or sheds. Persons importing such goods should provide themselves with places where they may be stored with safety. Such goods should at once be removed on import.

SCHEDULE.

Rice, paddy, ginger, turmeric, pepper and other bag cargo ...	Annas	6 per	100 bags per	week.
Copra, ginger, pepper, turmeric, etc., in robbins	do.	10 per	100 robbins	do.
Coir yarn and fibre in bales	do.	12 per	100 bales	do.
Coir yarn in bundles and dholes	do.	10 per	100 cwts.	do.
All other goods ...	do.	1 per	ton of 40 c. ft.	do.

T. G. G., dated 26-5-1914, Pt. I, P. 2175.

II. GOVERNMENT NOTIFICATIONS.

(1)

(No. S R. 3365 dated 21st December 1918.)

Under Section 7 of the Sea Customs Regulation, V of 1088, it is hereby notified, with the sanction of His Highness the Maha Raja, that the Excise Officer in charge of the Arukutty Circle and the Excise Inspector in charge of the Arukutty Chowkey are respectively appointed to be "Chief Customs Officer" and "Customs Inspector" within their respective jurisdictions for the purpose of the said Regulation.

—*T. G. G., dated 31-12-1918, Pt. I, P. 1561.*

(2)

(No. J. 2480 dated the 15th March 1919.)

Under Section 7 of the Sea Customs Regulation, V of 1088, it is hereby notified, under sanction of His Highness the Maha Raja, that all Officers in charge of the Excise Circles in the State are appointed Chief Customs Officers on whom the power to adjudge confiscations and penalties under Section 164 of the said Regulation is conferred.— *T. G. G., dated 18-3-1919 Pt. I, P. 35.*

(3)

(Circular P. D. No. 1022 dated 30th July 1903)

In continuation of circular P. D. No. 887 dated the 4th July 1903, it is hereby notified that no cess should be levied on "Refuse Tea."—

T. G. G., dated 4-8-1903, Pt. I, P. 578.

---

(4)

(Peravagay Department No. 1067, dated 6th August 1903.)

Under sanction of His Highness the Maha Raja, it is hereby notified for general information that memorials of a public character intended to be put up in a public place, including the materials used or to be used in their construction, whether worked or not, or exempt from Customs duty.—

T. G. G., dated 18-8-1903, Pt. I, P. 622.

---

(5)

(Peravayay Department No. 1101, dated 12th August 1903.)

Under sanction of His Highness the Maha Raja, it is hereby notified for general information that, in future all articles such as watches, &c., that might be passed free of duty when forming part of a passenger's baggage, may be passed free on re-importation after being sent for repair, provided that the Customs Officer is satisfied,

(1) that the same article was exported without payment of draw-back not more than two years previous to the date of re-import,

(2) that it is private personal property re-imported for personal use and not merchandise for sale.— *T. G. G., dated 18-8-1903, Pt. I, P. 621.*

---

(6)

(No. S. R. 6934, dated 4th November 1910.)

It is hereby notified, under sanction of His Highness the Maha Raja, that the bringing, by sea or by land, into Travancore, of any cotton, silk or other woven goods impressed with designs in imitation of Currency Notes, Promissory Notes or Stock Notes, of the Government of India, is strictly prohibited.—

T. G. G., dated 8-11-1910, Pt. I, P. 1608.

---

(7)

(No. S. R. 2594 dated 12th November 1913.)

In the exercise of the power conferred by Section 131 of the Sea Customs Regulation, V of 1088, it is hereby notified, under sanction of His Highness the Maha Raja, that the Port of Alleppey is exempted from the operation of Clause

(*b*) of the aforesaid Section, which prohibits goods from being shipped or water-borne to be shipped for exportation, until the owner of such goods has paid the duties, if any, payable on them.

2. The duty payable on goods shipped for exportation at the Port of Alleppey may be paid by the owners thereof within twenty-four hours *after* such shipment, provided that the Shipping Agents in that Port undertake not to issue any bill-of-lading in respect of such goods except on production of the receipt granted by the Customs Inspector for the payment of such duty.—

T. G. G., dated 25-11-1913, Pt. I, P. 1913.

---

(8)

(*No. S. R. 2040 dated 27th July 1915.*)

Under Section 18 of the Sea Customs Regulation, V of 1088, the Government are pleased to prohibit the taking of manurial mixtures containing saltpetre, by sea or by land, out of Travancore.— *T. G. G., dated 3-8-1915, Pt. I, P. 1319.*

---

(9)

(*R. Dis. No. 803/D. S. R., dated 31st December 1921.*)

It is hereby notified, under sanction of His Highness the Maha Raja, that, in exercise of the powers conferred by Section 18 of the Sea Customs Regulation, V of 1088, Government have been pleased to prohibit the bringing, by sea or by land, into Travancore, of any apparatus for wireless telegraph in cases in which—

(1) such apparatus is imported by any person to whom a license to establish, maintain and work a wireless telegraph has been granted under the first Proviso to Sub-section (1) of Section 4 of the Indian Telegraph Act, 1885 (XIII of 1885); or

(2) [a license in the Form set out in Schedule I to import such apparatus has been granted by the Director-General of Posts and Telegraphs, and in consideration of the grant of such license, a bond in the Form set out in Schedule II for such amount as may in each case be directed by the Director-General of Posts and Telegraphs, has been executed by the licensee].—

T. G. G., dated 3-1-1922, Pt. IV, Excise Dept., P. 17.

[The present second restriction was substituted by Govt. Notifn. R. Dis. No. 620/Devt., dated 19/20th March 1922.—

T. G. G., dated 28-3-1922, Pt. IV, Excise Dept., P. 201.

---

(10)

(D. Dis. 1590 dated 2nd September 1923).

It is hereby notified, under Section 10 of Regulation V of 1088, that the foreshore in front of the factories of the Travancore Minerals Company, Ltd., Muttom, and of Messrs. Hopkin and Williams (Travancore) Ltd., Colachel, is declared a Sub-port of Colachel for the purpose of shipping monazite, illmenite and zircon sand to the Port of Colachel and for no other purpose, the limits of the Sub-Port being fixed as follows :—

On the North. By a line drawn from a point 50 yards from High water mark and 2½ furlongs north-west of the survey post erected on the foreshore, extending south-west to seven fathoms of water.

On the South. By a line drawn from a point 50 yards from High water mark and 2½ furlongs south-east of the survey post erected on the foreshore extending south-west to seven fathoms of water.

On the East. So much of the foreshore as lies within 50 yards of High water mark and 2½ furlongs north-west and south-east of the survey post erected on the foreshore 50 yards from High water mark.

On the West. By a line running north-west and south-east joining the north and south boundary lines in seven fathoms of water.—

T. G. G., dated 11-9-1923, Pt. IV, Marine Dept., P. 7.

(11)

(R. Dis. No. 2029/27/Devpt., dated 29th September 1927.)

In exercise of the power conferred by Section 23 (*a*) of the Sea Customs Regulation, V of 1088, the Government are pleased to exempt from the import duty leviable thereon under the Import Tariff, such articles of mess-property imported by a regiment or battery of the Indian Army on the occasion of its return to India after a tour of Colonial Service as are proved to the satisfaction of the Customs Inspector to have been exported by such regiment or battery on the occasion of its departure from India on such tour.

In exercise of the power conferred by Section 23 (*a*) of the Sea Customs Regulation, V of 1088, the Government are pleased to exempt from the import duty leviable thereon under the Import Tariff, mess-plate imported by a British Regiment on the occasion of its arrival in India and certified by the Officer Commanding to be the property of the regiment at the time of import.—

T. G. G., dated 4-10-1927, Pt. I, P. 59.

(12)

(R. Dis. No. 2031/27/Devpt., dated 29th September 1927.)

In exercise of the power conferred by Section 23 (*a*) of the Sea Customs Regulation, V of 1088, the Government are pleased to exempt from the import duty leviable thereon under the Import Tariff, goods not produced or manufactured in Travancore, which are private personal property and which prior to their import into Travancore have been exported therefrom.

Provided that the Customs Inspector is satisfied

(1) as to the identity of the goods;

(2) that no drawback of duty was paid on their export;

(3) that the ownership of the goods has not changed between the time of export and re-import, or if it has changed, that it has remained in the family of the exporter;

(4) that the goods are being imported for personal use and not for sale; and

(5) that not more than three years have elapsed since the goods were exported;

Provided further that duty is paid on the cost of any alterations, renovations, additions or repairs executed subsequently to their export.—

T. G. G., dated 4-10-1927, Pt. I, P. 58.

---

(13)

(R. Dis. No. 2031/Devpt., dated 29th September 1927.)

With reference to the Customs Notification No. R. Dis. 2031/27/Devpt., dated 29th September 1927, which exempts private personal property on re-importation from the payment of import duty subject to certain conditions, the Government prescribe the following combined form of declaration and certificate which should be presented at the time of exportation and again at the time of re-importation by persons intending to claim the benefit of the concession. The use of this form is recommended as it will greatly expedite the process of satisfying the Customs Inspector that the conditions laid down in the Notification have been fulfilled.

EXPORT CERTIFICATE.

(To be used in the case of private personal property which it is intended to re-import into Travancore).

I hereby declare that the $\frac{\cdots\cdots\cdots}{\text{articles}}$ particulars of which are given on the reverse, $\frac{\text{is}}{\text{are}}$ my private personal property and $\frac{\text{is}}{\text{are}}$ for my personal use, not merchandise for sale. I further declare that $\frac{\text{it}}{\text{they}}$ will be exported by S. S........... to...................... (here name country of destination) on the .... 192...... and that drawback of duty is not being claimed in exportation.

Date.................

Signature of exporter.

It is certified that the above declaration has been accepted and that the particulars of the articles noted on the reverse have been verified and found correct.

..................Customs House.

Signature of Customs Officer.

Date................

N. B.—To obtain exemption from import duty on re-importation, the article must remain in the ownership of the exporter, or of his family. It must be brought back to Travancore within 3 years of the date of export and the person re-importing it must produce the above certificate and sign the declaration attached.

A.

MOTOR VEHICLES.

Type of motor vehicle (car, tricycle, bicycle, etc.)....................driven by petrol, electricity, steam (Cross out words not required).

Chassis	...	Make	...	
		Number	...	
Engines	...	Make	...	Horse power.
		Number	...	
Body	...	Type	...	Number of seats.
		Make		
Tyres	...	Colour	...	
		Number	...	
Wheels	...	Number	...	

B.

FIRE-ARMS.

Nature of weapon:—rifle, gun, revolver or pistol.	Number of barrels or chambers.	Bore.	Number.	Maker's name.	Magazine or Repeating.	For rifles only. Sighted.	Fitted for bayonet.	Remarks.

Total value.

C.

OTHER ARTICLES.

Marks or other means of identification.

Re-import Declaration.

I hereby declare that the.........which is/are being imported by me per S. S........ was/were exported by me/my husband, brother, or as the case may be on......... and agree (s) with the particulars given in the export certificates attached.

I further declare that (*a*) it has/they have not undergone any process of manufacture, renovation (including painting or varnishing in the case of motor vehicles), alteration, addition or repairs involving the substitution of any new parts, while out of Travancore; or (*b*) that......has undergone the following renovation, addition, etc., while out of Travancore :—

Particulars of additions, etc.		Cost.		
		£.	s.	d.
...	...		...	
...	...		...	

[Strike out either (*a*) or (*b*)]

I confirm this declaration by the production of invoices from............(name of firm), or by production of the following documentary evidence (cross out alternative not required).

Name ....

Date......... Address in Travancore.................

Occupation ....

T. G. G., dated 4-10-1927, Pt. I, Pp. 58-59.

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 29th Medam 1088 corresponding with the 11th May 1913.

Whereas certain services in Our Devaswoms, such as *Tantrom, Santhi, Kazhakom, &c.*, had been formerly granted to and are being enjoyed as *Karanma* by certain families; And whereas the holders of the said *Karanma* services had also been granted landed property, or *Thiruppuvarom*, or other emoluments, as remuneration for the due performance of the services; And whereas it has now been represented to Us that the holders of the said *Karanma* services, owing to incompetency, negligence or other cause, do not generally perform such services properly and regularly, and also that some families holding the said *Karanma* have alienated the services or properties or *Thiruppuvaroms* or other emoluments attached thereto for pecuniary consideration or otherwise; And whereas We consider it essential that, in the interests of Our Devaswoms, the said services should all be duly performed; And whereas, for an efficient administration of Our Devaswoms, it is necessary to declare that Our Government have absolute control over the holders of all *Karanma* services and also over all the properties, *Thiruppuvaroms* and other emoluments attached thereto ; We are hereby pleased to command that, whenever it is reported to Our Government that, owing to incompetency, negligence or other cause, any *Karanma* service is not being properly and regularly performed, or that an alienation of a *Karanma* service, or of the property, *Thiruppuvarom* or other emolument attached thereto, has been effected by the *Karanma* holder or by any member or members of the *Karanma* family; Our Government shall give due notice of the charge to the head of the family and the next senior member, and also to the alienor or defaulter if he is neither the head nor the next senior member, and also to such other members of the *Karanma* family as Our Government may deem necessary, and if, after hearing their objections, if any, Our Government are satisfied that there has been an alienation of the *Karanma* service or of the property or of

(1) This Proclamation, defining the conditions under which the rights of the *Karanma* service holders, such as the Tantri, the Santhikars, &c., could be suspended, cancelled or determined, was thus explained in the Dewan's letter to the Palace dated 25-4-1913:—" Several *Karanma* holders of services in the Devaswoms had alienated their service and emoluments for consideration, and consequently the services were not being duly performed. In the interests of the Devaswoms, it is absolutely necessary that the services should be performed well and regularly and that the properties and emoluments attached to such services should not be alienated by the holders. It was,

the *Thiruppuvarom* or of the other emolument attached thereto, or that, owing to incompetency, negligence or other cause, there has been a failure to perform the service properly or regularly, Our Government shall suspend, remove, determine, cancel, or deal with in any other manner, the *Karanma* right of the family to the service; and We are further pleased to command that the decision of Our Government that any service or property or *Thiruppuvarom* or other emolument attached thereto has been alienated, or that, owing to incompetency, negligence or other cause, any service has not been properly or regularly performed, shall be final, and that no action shall lie in any Court against Our Government for any act done or ordered to be done in pursuance of this Proclamation.

REGULATION VI OF 1088.

A Regulation to amend the Hindu Religious Endowments Regulation, III of 1079

Passed by His Highness the Maha Raja of Travancore, on the 7th July 1913 corresponding with the 24th Mithunam 1088, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Hindu Religious Endowments Regulation, III of 1079; It is hereby enacted as follows :—

therefore, ruled in G. O. No. D. 4905, dated the 25th October 1912, regarding the re-organisation of the Devaswoms, that the unauthorised alienation of *Karanma* services or the emoluments attached thereto will determine the rights of the *Karanma* holder and that the failure of a *Karanma* holder to perform the service properly and regularly will also terminate the *Karanma*. Mention has also been made in the G. O. of the power vested in the Government to deal with the irregularities of the *Karanma* holders in their service, in the same manner as those of any other subordinate in the Devaswoms. Of late, there has been a tendency among the *Karanma* holders of services to prefer complaints against the action of the Government to the Civil Courts for adjudication, on the assumption that the *Karanma* right is a Civil right vesting in the family. The interference of the Civil Courts in a matter like this, which is and should be entirely under the control of the executive, is highly prejudicial to the efficient administration of the Devaswoms. It is necessary, therefore, to formally legalise the right vested in the Government to deal with these *Karanma* services finally and to exclude the jurisdiction of the Courts in regard to the action taken by the Government in this respect. ° ° Of course, the Proclamation will not affect the alienation of *Karanma* lands which have been recognised by the Government by levying the full assessment and issuing Pattahs accordingly."—

L. R. M., Vol. I, Pp. 719–720.

(2) The Proclamation was published in the Gazette dated 13-5-1913.

1. Substitute the following for Section 4:—

Power of Dewan to call upon trustees of endowments to submit periodical accounts, lists of properties, &c., and power of Officer deputed to require them to furnish records or information or to assist in his examination of accounts, &c.

"4. It shall be competent to Our Dewan, by a notice, to call upon the trustees or managers of any endowment falling under the definition in Section 3, to submit periodically accounts of income and expenditure, or lists of properties, jewels, vessels, furniture, or other things belonging to the endowments under their charge, or depute any Officer to examine and verify the same.

It shall also be competent to the Officer so deputed to call upon the trustees and managers, by a notice, to furnish him with all the accounts or other records or information he may require for the purpose of examination and verification and also to assist him in the examination of accounts and movable property.

The notice shall be served in the manner prescribed by the Code of Civil Procedure for the service of summons.

Where the Officer deputed under this Section finds that any movables are likely to be removed or misappropriated, he shall make an immediate report to the Dewan, taking such steps for their temporary safe custody as may be necessary. On receipt of such report, the Dewan may, after hearing the parties concerned, pass such orders as he may think proper.

Any trustee or manager who wilfully or contumaciously disobeys any order passed by the Dewan or any notice issued under this Section, shall be liable to a fine not exceeding rupees fifty for each act of disobedience and to dismissal if he is found guilty of three such acts of disobedience. The fines imposed under this Section may be recovered as arrears of public revenue."

REGULATION VII OF 1088.

A Regulation to amend the Code of Criminal Procedure, Regulation V of 1067, as amended by Regulations II and III of 1074, Regulation IV of 1082, and Regulation VII of 1085

Passed by His Highness the Maha Raja of Travancore, on the 9th July 1913 corresponding with the 26th Mithunam 1088, under Section 13 of Regulation V of 1073.

Whereas it is expedient further to amend the Code of Criminal Procedure, Regulation V of 1067; We are hereby pleased to enact as follows:—

REGULATION VII OF 1088.

1. Section 173. Insert the words "produced or" between the words "document" and "given" in line 4, Clause (c) of this Section. Also add the following Clause:—

Prosecution for defamation in respect of anything said or done in the Sri Mulam Popular Assembly by the Members thereof

"(d) of any offence described in Section 503 of the same Code when such offence has been committed by a Member of the Sri Mulam Popular Assembly, for anything said or done in the Assembly, unless upon complaint made by order of or under authority from Our Government or with the previous sanction in writing of Our Government."

2. Substitute the following for the present Section 227 :—

Frivolous or vexatious accusations in summons and warrant cases.

"(1) If in any case instituted by complaint as defined in this Code, or upon information given to a Police-Officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made, to pay to the accused, or to each of the accused where there are more than one, such compensation not exceeding fifty rupees, as the Magistrate thinks fit.

Provided that, before making any such direction, the Magistrate shall—

(a) record and consider any objection which the complainant or informant may urge against the making of the direction, and,

(b) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(2) Compensation of which a Magistrate has ordered payment under Sub-section (1) shall be recoverable as if it were a fine.

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(3) A complainant or informant who has been ordered under Sub-section (1) by a Magistrate of the Second or Third Class to pay compensation to an accused person, may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) Where an order for payment of compensation to an accused person, is made in a case which is subject to appeal under Sub-section (3), the compensation

shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this Section.

(6) If, on appeal or revision, the Appellate or High Court sets aside the award of compensation, the amount of compensation (if any) paid under this Section to the accused shall be recovered from him as if it were a fine and repaid to the complainant."

3. Add the following words to Section 319, after the words "any Appellate Court":—"other than the High Court whose judgment need not necessarily be in the hand-writing of the Judges."

4. In Section 337, substitute the word, "Proclamations" for the word "Proclamation" and add the words "25th Kanni 1084/10th October 1908 and 9th Chingam 1088/24th August 1912".

Also add the following Clause to the Section :—"The Special Appellate Judge may also transfer any case, enquiry, trial or other proceeding, from any Special Magistrate subordinate to him to any other such Magistrate, after recording in writing his reasons for making the same."

5. Section 372. Insert the following as para 2 of this Section:—

"Any such Officer conducting the prosecution shall have the like power of withdrawing from the prosecution as is provided by Section 371 and the provisions of that Section shall apply to any withdrawal by such Officer."

6. Insert the following as a new Section in Chapter XXXIX :—

"390-A. No Magistrate or Police-Officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue Officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

Explanation.—"Revenue Officer" in this Section means any Officer employed in or about the business of any branch of the public revenue."

REGULATION I OF 1089.

A Regulation to amend the Penal Code, Regulation I of 1074

Passed by His Highness the Maha Raja of Travancore, on the 23rd October 1913 corresponding with the 7th Thulam 1089, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Penal Code, Regulation I of 1074; It is hereby enacted as follows:—

1. This Regulation shall come into force at once.

2. In Section 113 of the Code, insert the words "or Her Majesty the Queen Empress of India of the Sovereignty of British India or any part thereof" between the words "thereof" and "or" in line 3, and the words "or His Government or the Government established by law in British India" between the words "kingdom" and "shall" in line 5.

3. In Section 117, omit the expression "intended to be read" in line 1 and substitute the word "written" and insert the expression "brings or attempts to bring into hatred or contempt, or" between the words "otherwise" and "excites" in line 2.

Omit on the expression "feelings of" between "excite" and "disaffection" in line 3.

Omit the expression "to Our Government" between the word "disaffection" and the words "or the Government" in line 3 and substitute the words "towards the Sovereign of this kingdom, or His Government, or Her Majesty the Queen Empress of India."

Insert the word "shorter" between the words "any" and "term" in line 5.

4. Omit the Explanation attached to Section 117 and substitute the following:—

"Explanation I.—The expression 'disaffection' includes disloyalty and all feelings of enmity.

"Explanation II.—Comments expressing disapprobation of the measures of the Sovereign of this kingdom, or of His Government or of the Government established by law in British India, with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this Section.

"Explanation III.—Comments expressing disapprobation of the administrative or other action of the Sovereign of this kingdom or of His Government or of the

Government established by law in British India, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this Section."

REGULATION II OF 1089.

A Regulation to amend the Prevention of Cruelty to Animals Regulation, IV of 1079,

Passed by His Highness the Maha Raja of Travancore, on the 23rd October 1913 corresponding with the 7th Thulam 1089, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Prevention of Cruelty to Animals Regulation, IV of 1079; It is hereby enacted as follows :—

For Section 8, substitute the following :—

"A prosecution for an offence against the Regulation shall not be instituted without the written sanction of such Officer or person as the Government may deem fit to appoint for that purpose or after the expiration of three months from the date of the commission of the offence."

REGULATION III OF 1089.

A Regulation to amend the Lepers Regulation, III of 1077,

Passed by His Highness the Maha Raja of Travancore, on the 23rd October 1913 corresponding with the 7th Thulam 1089, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Lepers Regulation, III of 1077; It is hereby enacted as follows :—

In Section 6 (1), line 2, omit the words "an Inspector" and substitute the words "a Sub-Inspector" between "of" and "may."

REGULATION IV OF 1089.

A Regulation to amend the Forest Regulation, II of 1068, as amended by Regulations IV of 1071 and IX of 1085,

Passed by His Highness the Maha Raja of Travancore, on the 23rd October 1913 corresponding with the 7th Thulam 1089, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Forest Regulation, II of 1068, as amended by Regulations IV of 1071 and IX of 1085; It is hereby enacted as follows:—

Section 21.

At the end of para 2 (penalty clause), add the following:—

"If any agricultural or other crop is grown in contravention of Clause (*f*) of this Section and any person is convicted for that offence, such crop shall be liable to confiscation by order of the convicting Magistrate".

REGULATION V OF 1089.

THE FACTORIES REGULATION.

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. Short title, commencement and extent 1
2. Definitions 2
   (1) "Child."
   (2) "Employed."
   (3) "Factory."
   (4) "Inspector."
   (5) "Mill-gearing."
   (6) "Occupier."
   (7) "Prescribed."
   (8) "System of shifts."
   (9) "Textile factory."
3. Application of Regulation. 3

CHAPTER II.

Inspectors and Certifying Surgeons.

Sections.

4.	Inspectors	4
5.	Powers of Inspector	5
6.	Certifying Surgeons	6
7.	Grant of certificate	7
8.	Delegation of certiying Surgeon's functions ...	8

CHAPTER III.

Health and Safety.

Sections.

9.	Sanitary provisions	9
10.	Provision as to ventilation by fans in certain factories ...	10
11.	Lighting	11
12.	Purity of water used for humidifying	12
13.	Provision of latrines and urinal accommodation ...	13
14.	Water supply	14
15.	Doors of factory to open outwards	15
16.	Provision of means of escape in case of fire	16
17.	Precautions against fire	17
18.	Fencing	18
19.	Prohibition of employment of women and children in certain dangerous work	19
20.	Prohibition of employment of women and children where cotton-openers are at work	20

CHAPTER IV.

Hours of Employment and Holidays.

21.	Periodical stoppage of work	21
22.	Weekly holiday	22
23.	Employment of children	23
24.	Employment of women	24
25.	Prohibition of employment of women or child in two factories on same day	25

The figures on the right refer to the corresponding Sections of Act XII of 1911.

This has been amended by Acts II and IV of 1922, and Act IX of 1923.

Sections.

26. Hours of employment of women and children to be fixed ... 26
27. Exception to provisions relating to employment of women ... 27

CHAPTER V.

Special Provisions for Textile Factories.

28. Limitation of hours of work 28
29. Limits between which a person may be employed.
30. Exceptions from Sections 28 and 29.
31. Limit of use of machinery.
32. Limitation of hours of children.

CHAPTER VI.

Notices and Registers.

33. Persons occupying factory to give notice 33
34. Notice to be given of accident 34
35. Register of children 35
36. Affixing of abstracts and notices 36

CHAPTER VII.

Rules.

37. Power to make Rules 37
38. Returns 38
39. Prior publication of Rules 39
40. Commencement of Rules 40

CHAPTER VIII.

Penalties and Procedure.

41. Penalties 41
42. Exemption of occupier or manager from liability in certain cases... 42
43. Penalties for cerain offences 43
44. Using false certificate 44
45. Limit to penalty in case of repetition of offence ... 45
46. Presumption as to employment 46
47. Evidence as to age 47

Sections.

48.	Cognizance of offences	48
49.	Limitation of prosecution	49

CHAPTER IX.

Supplemental Provisions.

50.	Appeals	50
51.	Special provision regarding computation of time ...	51
52.	Computation of hours of employment	52
53.	Power to declare parts of a factory to be separate factories ...	53
54.	Application to Government factories	54
55.	Power to exempt from Regulation	56
56.	Protection to persons acting under Regulation ...	58

Schedule I.—*Part A.* Work of an urgent nature or such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued.

Part B. Work necessitating continuous production for technical reason in certain factories.

Part C. Factories which by reason of the exigencies or the special circumstances of the trade carried on therein require an uninterrupted working day.

Schedule II.—*Part A.* Work necessitating continuous production for technical reasons in certain factories.

Part B. Factories which supply the public with articles of prime necessity which must be made or supplied every day.

At the meeting of the Council held on 1-6-1908, a Bill to regulate labour in Factories was introduced and referred to a Select Committee (*T. G. G., dated 16-6-1908*). The Report which the Committee submitted was considered on 30-11-1908, and after the Bill had been considered, the Council resolved to recommit the Bill to a Select Committee with instructions to go through it again and to invite the opinions of the various interests affected by the Bill as settled. (*T. G. G., dated 22-12-1908*). The further Report of the Select Committee was considered on 14-3-1910, and the Bill postponed for final reading (*T. G. G., dated 22-3-1910*). The Bill was based on the Factories Act XV of 1881, then in force in British India. In 1911, the law was re-enacted as Act XII of 1911. It was, therefore, thought advisable that the latter Act might be taken as the model for the propesed law in this country. The Bill then pending in the Council was therefore withdrawn and a fresh Factories Bill introduced.—

L. C. P., dated 8-1-1912.

A Regulation to regulate labour in Factories

Passed by His Highness the Maha Raja of Travancore on the 31st October 1913 corresponding with the 15th Thulam 1089 under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to regulate labour in Factories; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, commencement and extent.

1. (1) This Regulation may be called "The Travancore Factories Regulation."

(2) It shall come into force on the 1st Vrischikom 1089.

(3) It applies to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

"Child."

(1) "Child" means a person who is under the age of fourteen years:

"Employed"

(2) A person who works in a factory, whether for wages or not,—

Regn. V 1089: I. *Objects and Reasons.* —"The subject of the regulation of labour in factories has been under discussion for some time. During the last 10 years, there has been a steady increase in the number of factories here. So early as 1894, Government began to watch the working of the factories In 1903, seeing that the number of factories had considerably increased and required looking after, Government ordered the District Magistrates and the local Medical Officers to inspect the factories within their respective jurisdictions and submit periodical reports to Government furnishing information with regard to ventilation, sanitation, security from accidents, number of labourers employed, their wages, &c.

The reports received from time to time disclosed many defects in the working of the factories. In the interests of the large number of operatives at work in them, legislation seems to be necessary and this Bill has been drafted on the lines of the British Indian Act XII of 1911.— *S. O & R.*

II. The Bill was published in the Gazette dated 19-12-1911, and was introduced in the Council and referred to a Select Committee on 8-1-1912 (*T. G. G., dated 23-1-1912*). The Committee's Report was published on 28-5-1912. It was presented to, and considered by, the Council on 5-12-1912 (*T. G. G., dated 17-12-1912*). The Bill was finally read and passed on 5-9-1913 (*T. G. G., dated 30-9-1913*). The Regulation was published in the Gazette dated 4-11-1913.

Sec. 2 (1): Act XV of 1881 fixed the age-limit at twelve. It was raised to fourteen by the amending Act XI of 1891, and this was adhered to by the Indian Factory Labour Commission. Act XII of 1911 which superseded the previous Acts retained the age-limit of fourteen years. Since then, the

(a) in a manufacturing process or handicraft, or

(b) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(c) in cleaning or oiling any part of the machinery, or

(d) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein.

Explanation.—The term "manufacturing process" shall be deemed to include the baling of any material for transport :

"Factory." (3) "Factory" means any premises wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale, any article or part of an article :

"Inspector." (4) "Inspector" includes an Additional Inspector :

"Mill-gearing." (5) "Mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band, by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process :

"Occupier." (6) "Occupier" includes a managing agent or other person authorised to represent the occupier :

---

amending Act II of 1922 has substituted 'fifteen' for 'fourteen' in the definition.

Sec. 2 (3) : As amended by Act II of 1922, the definition of Factory in the Indian Act runs thus :—" Factory means—(a) *any premises wherein, and within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or the chemical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article*; or (b) *any premises wherein, or within the precincts of which on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether such power is used in aid thereof or not which have been declared by the Local Government, by Notification in the local Official Gazette, to be a factory. A declaration under Clause* (b) *may be made in respect of any class of premises, or in respect of any particular premises.*"

" Prescribed "

(7) "Prescribed" means prescribed by this Regulation or by Rules made thereunder:

" System of shifts."

(8) " System of shifts " means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:

" Textile factory."

(9) "Textile factory" means a factory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoanut fibre, or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

Provided that the term "Textile factory" shall not be deemed to include the following factories, namely:—cloth printing works, bleaching and dyeing works, lace ware-houses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton, jute or other fibre, rope works and hat works.

Application of Regulation.

3. (1) Nothing in the following Chapters shall apply to—

(a) any mine, or

(b) any electrical generating or transforming station, or

(c) any indigo factory, or

(d) any factory situated on and used solely for the purpose, of a tea, coffee, rubber, or cardamom plantation, or

(e) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed, or

(f) any industrial school and workshop attached thereto:

Provided that the Government may, by Notification in the Official Gazette, apply to any factory or class of factories wherein any specified number of persons not being less than twenty are on any day simultaneously employed, all or any of the provisions of this Regulation which would, save for Clauses (a), (b), (c), (d) and (e) of this Sub-section, have applied.

Sec. 2 (8) & (9): These definitions are not found in the Indian Act. In that Act, the word " Week " is defined as meaning " the period between midnight on Saturday night and the midnight on the succeeding Saturday night."

Sec. 3: In the Indian Act, as amended, Sec. 3 runs simply thus:—" *Nothing in this Act shall apply to any mine subject to the operation of the Indian Mines Act, 1901*"

(2) The provisions of Chapters IV and V and Sections 35 and 36 shall not, unless the Government by order in writing otherwise direct, apply to any person employed solely in any place within the precincts of a factory, not being a cotton-reeling-room or winding-room, in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

CHAPTER II.

Inspectors and Certifying Surgeons.

Inspectors.

4. (1) The Government may, by Notification in the Official Gazette, appoint such persons as they think fit to be Inspectors of factories within such local limits as they may assign to them respectively.

(2) No person shall be appointed to be an Inspector under Sub-section (1) or, having been so appointed, shall continue to hold the Office of Inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an Inspector under this Regulation.

(4) The Government may also, by Notification as aforesaid, appoint such public Officers as they think fit to be Additional Inspectors for all or any of the purposes of this Regulation within such local limits as they may assign to them respectively.

(5) In any area where there are more Inspectors than one, the Government may, by Notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(6) Every Inspector shall be deemed to be a public servant within the meaning of the Penal Code and shall be officially subordinate to such authority as the Government may indicate in this behalf.

5. Subject to any Rules in this behalf, an Inspector may, within the local limits for which he is appointed,—

Powers of Inspector.

(a) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory;

(b) make such examination of the permises and machinery and of any prescribed registers, and take on the spot, or otherwise, such evidence of any persons, as he may deem necessary for carrying out the purposes of this Regulation; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Regulation:

Provided that no one shall be required under this Section to answer any question or give any evidence tending to criminate himself.

6. The Government may appoint such qualified medical practitioners as they think fit to be Certifying Surgeons for the purposes of this Regulation within such local limits as they may assign to them respectively.

Certifying Surgeons.

7. (1) A Certifying Surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed Form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

Grant of certificate.

(2) Where a Certifying Surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reason for such refusal.

Sec. 7 (2): In the Indian Act, the following two Clauses were substituted by Act II of 1922:—"(2) *A certifying Surgeon may revoke any certificate granted to a child under Sub-sec. (1) if, in his opinion, the child is no longer fit for employment in a factory.*

(3) *Where a certifying Surgeon refuses to certify that a person is fit for employment in a factory or revokes a certificate granted to a child in this behalf, he shall, if required by such person or child, or by the parent or guardian of such person or child, or by the manager of the factory in which such person or child desires to be employed, state in writing his reasons for such a refusal or revocation.*"

Delegation of Certifying Surgeon's functions.

8. A Certifying Surgeon may authorise any person practising medicine or surgery to exercise the functions assigned to him by Section 7, and may revoke such authority :

Provided that no certficate granted under this Section shall, unless confirmed, on personal examination of the person named therein, by the Certifying Surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such Certifying Surgeon visits the factory in which the person named therein is employed.

CHAPTER III.

Health and Safety.

Sanitary provisions.

9. The following provisions shall apply to every factory :—

(a) It shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance :

(b) It shall not be so over-crowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein :

(c) It shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Provision as to ventilation by fans in certain factories.

10. If, in a factory in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the Inspector that such inhalation could be, to a great extent, prevented by the use of a fan or other mechanical means, the Inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction

---

Sec. 8: (1) In the Indian Act, the Proviso as amended by Act II of 1922 is :—"Provided that no certificate............valid *after a period of three months.*"

(2) The same amending Act has added a new Section (8-A) providing for the compulsory medical examination of a child employed in a factory when an Inspector is of opinion that the child is no longer fit for employment.

Sec. 9: In the Indian Act, the following Clause has been added by Act II of 1922 :—"(d) *the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the person employed therein.*"

for preventing such inhalation be provided, maintained and used before a specified date.

Lighting.

11. (1) Every factory shall be sufficiently lighted.

(2) In the case of any factory which is not, in the opinion of the Inspector, so lighted, the Inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

Purity of water used for humidifying.

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

(2) In the case of any factory in which any water required under Sub-section (1) to be effectively purified, is not, in the opinion of the Inspector, so purified, the Inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

Provision of latrines and urinal accommodation.

13. Every factory shall be provided with sufficient and suitable latrine accommodation, and, if the Government so require, with separate urinal accommodation, for the persons employed in the factory :

Provided that the Inspector may, subject to such conditions as the Government may lay down in this behalf, by an order in writing, exempt any factory from the provisions of this Section.

Water supply.

14. In every factory, there shall be maintained a sufficient and suitable supply of water fit for drinking, for the use of the persons employed in the factory.

Doors of factory to open out-wards.

15. In every factory, the construction of which is commenced after the commencement of this Regulation, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

Provision of means of escape in case of fire.

16. (1) Every factory shall be provided with such means of escape in case of fire, for the persons employed therein, as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not, in the opinion of the Inspector, so provided, the Inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

Precautions against fire.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Fencing.

18. (1) (*a*) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or engine worked by any such power,

(*b*) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed and

(*c*) every part of the machinery which the Government may, by Rule, require to be kept fenced,

shall be securely fenced.

(2) If, in any factory, there is any other part of the machinery or mill-gearing which may, in the opinion of the Inspector, be dangerous, if let unfenced, the Inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with

Sec. 18: In the Indian Act, a new Section (18-A) has been added by Act II of 1922 providing for measures being taken when a factory or part thereof or any works, machinery, plant, &c., used in a factory is in a condition dangerous to human life or safety.

the repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

Prohibition of employment of women and children in certain dangerous work.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children where cotton-openers are at work.

20. No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

CHAPTER IV.

Hours of Employment and Holidays.

Periodical stoppage of work.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

Sec. 19: In the Indian Act, two Sections (19-A and 19-B) have been added by Act II of 1922. The former empowers the Inspector to prohibit in any factory the presence of children who cannot be lawfully employed therein, when such presence involves danger or injury to their health. The latter prohibits the employment of women and persons under eighteen years of age in certain processes.

Sec. 21: In the Indian Act, for Sec. 21, the following Section has been substituted by Act II of 1922: "*21. (1) In every factory there shall be fixed—(a) for each person employed on each working day—(i) at intervals not exceeding six hours, periods of rest of not less than one hour, or (ii) at the request of the employers concerned, periods of rest of not less than half an hour each so arranged that, for each period of six hours' work done, there shall*

(2) Nothing in Sub-section (1) shall apply to—

(*a*) any work performed by any person while employed in accordance with a system of shifts approved by the Inspector, or

(*b*) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works or in bleaching or dyeing works, or

(*c*) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works or ship-repairing works, or

(*d*) any work mentioned in Part A or in Part B of Schedule I, or

(*e*) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as, in the interests of efficiency, is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part C of the said Schedule requires, by reason of the exigencies or special circumstances of the trade carried on therein, an uninterrupted working day,

the Government may, by Notification in the Official Gazette, exempt,—

in case (*a*), such class of work,

in case (*b*), work of the nature described in such class of factories, and

in case (*c*), such class of factories, from the provisions of Sub-section (1), on such conditions, if any, as they may impose.

---

be periods of rest of not less than one hour's duration in all, and that no person shall work for more than five hours continuously, and

(2) *The periods of rest under Clause* (*b*) *shall be so fixed that no such child shall be required to work continuously for more than four hours."*

22. (1) No person shall be employed in any factory on a Sunday, unless—

Weekly holiday.

(a) he has had, or will have, a holiday for a whole day one of the three days immediately preceding or succeeding the Sunday, and

(b) the manager of the factory has, previous to the Sunday or the substituted day, whichever is earlier, given notice to the Inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in Section 36.

(2) Nothing in Sub-section (1) shall apply to work on urgent repairs executed in railway or tramway workshops or running sheds or in engineering works or ship-repairing works.

(3) Nothing in Sub-section (1) shall apply to any person employed on any work specified in Part A of Schedule I or in Part A of Schedule II or to any factory specified in Part B of Schedule II.

(4) Where it is proved to the satisfaction of the Government—

(a) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as, in the interests of efficiency, is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part A of Schedule II any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part B of Schedule II supplies the public with articles of prime necessity which must be made or supplied every day, or

---

Sec. 22: This Section in the Indian Act has been amended by Acts II and IV of 1922 and Act IX of 1923. As thus amended, Sub-sec. (1), with its Clauses (a) and (b), is the same as in the Regulation. After Clause (b), there is a Proviso and Sub-sec. (2) thus:—"*Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day.*

"*(2) Where, in accordance with the provisions of Sub-sec. (1), any person is employed on a Sunday in consequence of his having had a holiday on one of the three days preceding that Sunday, that Sunday shall, for the purpose of calculating the weekly hours of work of such person, be deemed to be included in the preceding week.*"

(*d*) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons, or at times dependent on the irregular action of natural forces, the Government may, by Notification in the Official Gazette, exempt,—

in case (*a*), such class of work, in case (*b*), work of the nature described in such class of factories, and in cases (*c*) and (*d*), such class of factories, from the provisions of Sub-section (1), on such conditions, if any, as they may impose.

Employment of children.

23. With respect to the employment of children in factories the following provisions shall apply :—

(*a*) No child shall be employed in any factory unless he is in possession of a certificate granted under Section 7 or Section 8, showing that he is not less than eleven years of age and is fit for employment in a factory, and, while at work, carries either the certificate itself or a token giving reference to such certificate :

(*b*) No child shall be employed in any factory before six o'clock in the morning or after six o'clock in the evening.

(*c*) No child shall be employed in any factory for more than seven hours in any one day.

Sec. 23: (1) In Clause (*a*), the age at first fixed as the minimum age of children fit for employment in factories was nine years. When the Bill was considered by the Council, this was raised to eleven on the suggestion of the President who said that the age of nine years appeared to him to be too low and that it was likely to draw away poor children to factory work, thereby depriving them of the chance of receiving elementary education. Further, factory work required, in his opinion, continuous and strenuous exertion, for which children of such tender age were by no means fitted. Eleven years might, with advantage, be adopted as the minimum age, so that a child might have some five or six years quite free for elementary education."—

L. C. P., dated 5-12-1912.

In the Indian Act as amended by Act II of 1922, the minimum age is fixed at twelve years.

(2) In the Indian Act, the time fixed in Clause (*b*) is "half-past five o'clock in the morning or after seven o'clock in the evening." This was also the provision made in the Bill at first. But the Council, on the motion of the Member in charge, changed the time as it now stands in the Clause, as the former "appeared to be too early an hour for the employment of children, and the latter too late an hour."—

L. C. P., dated 5-12-1912.

(3) In the Indian Act as amended, the period in Clause (*c*) is *six hours in one day*,

24. With respect to the employment of women in factories, the following provisions shall apply :—

Employment of women.

(a) No woman shall be employed in any factory before six o'clock in the morning or after six o'clock in the evening:

(b) No woman shall be employed in any factory for more than ten hours in any one day.

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

Prohibition of employment of woman or child in two factories on same day.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Hours of employment of women and children to be fixed.

27. Nothing in Section 24 or Section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such number of women are employed as are, in the opinion of the Inspector, sufficient to make the hours of employment of each woman not more than ten in any one day.

Exception to provisions relating to employment of women.

CHAPTER V.

Special Provisions for Textile Factories.

28. No person shall be employed in any textile factory for more than twelve hours in one day.

Limitation of hours of work.

Sec. 24: (1) For the change made in the hours as fixed by the Indian Act in Clause (a), see Note under Sec. 24.

In Clause (b), the maximum period, under the Indian Act, is *'eleven hours in any one day.'* This period was considered a little too much for women.—

L. C. P., dated 5-12-1912.

Sec. 25 : The Section in the Indian Act as amended by Act II of 1922 is :—"No person shall employ.........woman or child *or, save in such circumstances as may be prescribed, any other person* whom he knows............"

Sec. 26: The amended Section in the Indian Act is :—"The manager of a factory ......each *person* employed......and no *person* shall...... ."

Secs. 27 & 28 : In the Indian Act, new Sections have been substituted for these by Act II of 1922, they are :—"*27. No person shall be employed in a factory for more than sixty hours in any one week.*

"*28. No person shall be employed in any factory for more than eleven hours in any one day.*"

Chapter V: Act II of 1922 has substituted a new Chapter in the Indian Act under the heading—"Exceptions." It con-

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

Limits between which a person may be employed.

(2) Nothing in Sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the Inspector.

30. (1) Nothing in Section 28 or Section 29 shall apply to—

Exceptions from Sections 28 and 29.

(a) the work of calendering, finishing, sewing or tailoring, or

(b) the work of cloth-printing, bleaching or dyeing, or

(c) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Government that any work not specified in Part A of Schedule I is of an urgent nature, or is such as, in the interests of efficiency, is commonly performed while the main manufacturing process of the factory is discontinued, the Government may, by Notification in the Official Gazette, exempt any person employed on such work from the operation of Section 28 or Section 29 on such conditions, if any, as they may impose.

31. (1) The period for which mechanical power or electrical pow is used in any textile factory shall not in any one d exceed twelve hours.

Limit of use of machinery.

(2) Nothing in Sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work p formed by any person employed in accordance with a system of shifts ap proved by the Inspector.

(3) Nothing in Sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in Sub-section (1) of Section 30 or in connection with any work which is exempted by the Government under Sub-section (2) of the same Section.

32. No child shall be employed in any textile factory for more than six hours in any one day.

Limitation of hours of children.

---

sists of four Sections—*Sec. 29.*—Exceptions for persons holding positions of supervision, &c. : *Sec. 30.*—Exceptions : *Sec. 31.*—Payment for overtime : *Sec. 32.*—Special exemptions for indigo, tea and coffee factories.

CHAPTER VI.

Notices and Registers.

Persons occupying factory to give notice.

33. (1) Every person occupying a factory shall,—

(a) in the case of existing factories, within one month after the commencement of this Regulation, or

(b) in the case of a factory which starts work after the commencement of this Regulation, within one month after he begins to occupy the factory,

send to the Inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Regulation:

Provided that, in the case of a seasonal factory, such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the Inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this Section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Regulation.

Notice to be given of accident.

34. When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities, in such Form, and within such time, as may be prescribed.

Register of children.

35. In every factory there shall be kept, in the prescribed Form, a Register of the children (if any) employed in such factory, and of the nature of their respective employment.

Sec. 35: In the Indian Act, the Section as amended is:—"In every factory,.........a register of *all the persons* employed......factory, *of their hours of work* and of the nature......"

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Regulation and of the Rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely:—

Affixing of abstracts and notices.

(*a*) the time of beginning and ending work on each day;

(*b*) the periods during which all work is discontinued under Section 21;

(*c*) the hours of beginning and ending work for each shift (if any); and

(*d*) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the Inspector within one month of the commencement of this Regulation, or, in the case of a factory which starts work after the commencement of this Regulation, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the Inspector within seven days.

(4) Nothing in this Section, except in so far as it relates to affixing the prescribed abstracts of this Regulation and the Rules made thereunder, shall apply to any seasonal factory.

CHAPTER VII.

Rules.

37. (1) The Government may make Rules for the purpose of carrying into effect the provisions of this Regulation.

Power to make Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such Rules may provide for—

(*a*) the inspection of factories;

Sec. 36: In the Indian Act, as amended, Clause (*b*) is:—"(*b*) *the periods of rest fixed under Sec. 21.*" The notice is also to contain—"(*e*) *the weekly holidays fixed under Sec. 22.*" Clause (4) is not in the Indian Act.

Sec. 37: (1) Act IX of 1923 has substituted in the Indian Act the following for Clause (J):—"(*j*) *the parts of the machinery and electrical fittings to be kept fenced in accordance with Sec. 18, Sub-sec.* (*1*), *Clause* (*c*),

(b) the manner in which Inspectors are to exercise the powers conferred on them by this Regulation;

(c) the duties to be performed by Certifying Surgeons;

(d) the Form of the certificate prescribed by Section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate;

(e) the methods, including limewashing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia;

(f) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;

(g) the standards of ventilation, and the methods to be adopted in order to secure their observance;

(h) the standards of latrine and urinal accommodation;

(i) the standards of water supply;

(j) the parts of the machinery to be kept fenced in accordance with Section 18, Sub-section (1), Clause (c), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers;

(k) the Form of the notice, prescribed by Section 34, and the time within which and the authorities to whom it shall be sent;

(l) the Form of the Register prescribed by Section 35;

(m) the abstracts of the Regulation and of the Rules required by Section 36;

(n) the procedure to be followed in presenting and hearing appeals under this Regulation, including the appointment and remuneration of assessors; and

(o) the manner of service of notices and orders upon occupiers or managers of factories.

---

and the provisions to be made for the protection from danger of persons employed in attending to the machinery, electrical fittings or boilers."

(2) Act II of 1922 has added the following Clause after (j);—"*(jj) the definition of person under Sec. 29, who shall be deemed to be persons holding position of supervision or management or persons employed in a confidential capacity.*"

38. The Government may, from time to time, make Rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical as may, in the opinion of the Government, be necessary for the effectual carrying out of this Regulation.

Returns.

39. (1) The power to make Rules conferred by Section 37, except Clauses (*k*), (*l*) and (*m*) of Sub-section (2) thereof, and by Section 38, is subject to the condition of the Rules being made after previous publication.

Prior publications of Rules.

(2) The date to be specified in accordance with Clause (*c*) of Section 6 of the General Clauses Regulation, II of 1072, as that after which a draft of Rules proposed to be made under Sections 37 and 38 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed Rules was published for general information.

40. Rules made under this Chapter shall be published in the Official Gazette, and shall thereupon have effect as if enacted in this Regulation.

Commencement of Rules.

CHAPTER VIII.

Penalties and Procedure.

41. If, in any factory,—

Penalties.

(*a*) any person is employed or allowed to work contrary to any of the provisions of this Regulation;

(*b*) any of the provisions of Section 9 are not complied with;

(*c*) latrine or urinal accommodation in accordance with the provisions of Section 13 is not provided;

(*d*) a supply of water for the persons employed is not maintained in accordance with the provisions of Section 14;

(*e*) any door is constructed in contravention of Section 15;

(*f*) any of the provisions of Section 18, Sub-sections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the machinery or boilers, are not complied with;

Secs. 41 & 43: (1) In the Indian Act, the fine leviable has been raised to *five hundred* rupees by Act II of 1922.

(2) After Sec. 43, a new Section (43-A) has been added which empowers a Criminal Court to pay compensation out of fine.

(g) any order of an Inspector under Section 10, Section 11, Section 12, Section 16 or Section 18, is not complied with;

(h) the Register prescribed by Section 35 is not kept up to date;

(i) any of the provisions of Section 36 are not complied with;

(j) any notice or return, required by this Regulation or by Rules made thereunder to be furnished, is not furnished;

the occupier and the manager shall be jointly and severally liable to a fine which may extend to two hundred rupees:

Provided that, in cases where an appeal is allowed by Section 50, no prosecution under Clause (g) of this Section shall be instituted until either the time prescribed by Section 50 for the presentation of an appeal has expired, or such appeal, if made, has been determined.

Exemption of occupier or manager from liability in certain cases.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled, upon complaint duly made by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Regulation, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation,

(b) by what person the offence has been committed, and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or

manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

43. Any person who—

Penalties for certain offences.

(a) wilfully obstructs an Inspector in the exercise of any power under Section 5, or fails to produce, on demand by an Inspector, any Registers or other documents kept in pursuance of this Regulation or the Rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an Inspector ;

(b) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of Section 17 ; or

(c) does or omits to do any other act prohibited or prescribed by this Regulation or any order or Rule made thereunder ; shall be punishable with fine which may extend to two hundred rupees.

44. Any person who knowingly uses or attempts to use, as a certificate granted to himself under Section 7 or Section 8, a certificate granted to another person under either of those Sections, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

Using false certificate.

45. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Regulation for the offence, except —

Limit to penalty in case of repetition of offence.

(a) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(b) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Regulation.

46. If a child over the age of six years is found inside any room or part of a factory in which room or part children are employed and in which any manufacturing process, or work incidental to any manufacturing process is being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Presumption as to employment.

47. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation, and such person is, in the opinion of the Court, apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

Evidence as to age.

(2) A declaration in writing by a Certifying Surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

48. (1) No prosecution under this Regulation except a prosecution under Section 43, Clause (*b*), shall be instituted except by or with the previous sanction of the Inspector.

Cognizance of offences.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence against this Regulation or any Rule or order thereunder, other than an offence against Section 43, Clause (*b*).

49. No Court shall take cognizance of any offence against this Regulation or any Rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Limitation of prosecution.

CHAPTER IX.

Supplemental Provisions.

50. (1) Any person on whom an order under Section 10, Section 11, Section 12, Section 16 or Section 18 has been served, may, within fourteen days from the date of service of the order, appeal against such order to the Government or to such authority as they may appoint in this behalf, who may confirm, modify or reverse any such order.

Appeals.

(2) When an Inspector refuses to approve a system of shifts, he shall, if required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may,

Sec. 48: As amended, the Indian Act also provides for an offence under Sec. 44 being tried by a Magistrate inferior to a 1st Class Magistrate.

Sec. 50: Act IX of 1923 has amended the Indian Act by omitting Sub-sec. (2); and Act II of 1922 has added another Sub-section for the appellate authority suspending, in certain cases, the operation of the order of an Inspector.

within fourteen days from the date of such order, appeal against it to the Government or to such authority as they may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under Sub-section (1), the appellate authority may, and, if so requested by the appellant in the petition of appeal, shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Government may in this behalf prescribe:

Provided that, if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or if it thinks fit, without the aid of any assessor.

Special provision regarding computation of time.

51. In respect of any area in which the hours of the day are not ordinarily reckoned according to local mean time, the times and hours referred to in Section 2, Sub-section (8), Section 26, and Section 36, shall be reckoned according to the standard of time orinarily observed in such area.

Computation of hours of employment.

52. In computing the hours referred to in Section 23, Clause (*c*), Section 24, Clause (*b*), Section 28 and Section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

Power to declare parts of a factory to be separate factories.

53. The Government may, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall, for all or any of the purposes of this Regulation, be treated as if they were separate factories.

Application to Government factories.

54. This Regulation shall apply to factories belonging to the Government.

Sec. 51: In the Indian Act, there is another Sub-section providing standards of time (morning and evening hours) to be prescribed for any specified area and during any specified months. A similar provision was made in the Bill; but the Council omitted it on the motion of an Official Member who said that "this Clause, relating to different standards of time, could have very little application to so small a country as Travancore, where there was practically no difference in the standard of time between the most distant parts.—

L. C. P., dated 5-12-1912.

55. In case of any public emergency, the Government may, by an order in writing, exempt any factory from this Regulation to such extent and during such period as they think fit.

Power to exempt from Regulation.

56. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Protection to persons acting under Regulation.

SCHEDULE I.

(*See Sections 21, 22, 30.*)

PART A.

[*See Sections 21 (2), (3) ; 22 (3) ; 30.*]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTERESTS OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

(*a*) Work by the supervising staff, clerks, watchmen or messengers ;

(*b*) Work in the mechanic shop, the smithy, or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electricallifts or the steam or water pipes, or pumps ;

(*c*) Work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line-shaft alleys or of galleries in ginning factories ;

(*d*) Work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever, which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms "examining" or "repairing" ;

(*e*) Work on the processes of packing, bundling or baling of finished articles or the receiving or despatching of goods.

Schedule : In the Indian Act, as amended, there is only one Schedule which relates to the operations and regulations referred to in the new Sec. 19–B.

PART B.

[*See Section 21 (2), (3).*]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASON IN THE FOLLOWING FACTORIES, NAMELY :—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Oil mills.
Cement works.
Cloth-printing works.
Bleaching and dyeing works.
Carbonic acid gas works.
Chemical works.
Glass works.
Paper mills.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART C.

[*See Section 21 (2), (3).*]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY:—

Flour mills.
Rice mills.
Letter-press printing.
Dairies.
Bakeries.
Ice factories.
The mints.
Gas works.
Air-compressor stations.
Water works or water supply pumping stations.

SCHEDULE II.

(*See Section 22.*)

PART A.

[*See Section 22 (3), (4).*]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY :—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Cement works.
Carbonic acid gas works.
Chemical works.
Glass works.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works for the manufacture of iron or steel or other metals.

PART B.

[*See Section 22 (3), (4).*]

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY :—

Ice factories.

Dairies.

Bakeries.

Gas works.

Air-compressor stations.

Water works or water supply pumping stations.

RULES.

(*R. Dis. No. 2367–A/Devpt., dated 17th November 1927.*)

Under sanction of Her Highness the Maha Rani Regent, the following Rules are passed under Section 37 of the Travancore Factories Regulation, V of 1089, for the purpose of carrying into effect the provisions of the Regulation (a)

General.

1. These Rules and Orders may be cited as "The Travancore Factories Rules, ' 1103.

2. In these Rules and Orders—

(*a*) "The Regulation" means the Travancore Factories Regulation.

(*b*) "Inspector" means an Inspector appointed under Section 4, Sub-section (1) of the Regulation

Proviso.—(1) When in any area the Government has, by Notification in the Official Gazette, under Sub-section (5) of Section 4, declared that the District Magistrate or an Additional Inspector shall exercise all the powers of an Inspector under the Regulation, the word "Inspector" shall be held to include such District Magistrate or Additional Inspector.

(2) When in any area the Government has declared, as aforesaid, that a District Magistrate or Additional Inspector shall exercise certain powers of an Inspector, the word "Inspector" shall be held to include such District Magistrate or Additional Inspector, only in so far as any one or more of these Rules are specified in the Notification.

Section 37 (*1*) and 37 (*2*) (*a*) and (*b*).

3. The Inspector shall keep a Register of Factories in Form A attached to these Rules and shall furnish a copy thereof to the District Magistrate on the 1st Kanni of each year. He shall also intimate to the District Magistrate at the time they are made all the changes in the Register which are made in accordance with the two next following Rules.

(a) *T. G. G., dated 13-12-1927, Pt. I, Pp. 211-219.*

4. (1) When the Inspector receives notice under Section 33 of the Regulation of a factory being occupied, he shall, if he has not already done so, include such factory in his Register.

(2) When the Inspector has reason to believe that any premises, situated within the local limits for which he is appointed and not already registered as a factory, ought to be included in his Register, he shall send to the occupier of the premises a notice intimating his intention of placing such premises on his Register of factories.

(3) Any person served with a notice under Clause (2) above may, within fifteen days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections, after making such enquiry as he may deem necessary, and shall communicate the decision to the person concerned.

5. When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector, who shall, if satisfied that the Regulation is no longer applicable to such premises, remove them from his Register of factories. The Inspector may without such notice of his own motion at any time remove any factory from his Register, if satisfied that it is no longer used as such :

Provided that seasonal factories shall not be removed from the Register, if there is a probability of their again starting work within a reasonable time.

6. The Inspector shall be primarily responsible for the administration of the Regulation within the area for which he is appointed. He shall inspect every factory, other than a seasonal factory, within the area at least once in every half-year and every seasonal factory within that area at least once during each season of work. He shall also make such further inspections as may appear to be necessary to him, or to the authority to whom he is subordinate, in order that he may satisfy himself that the provisions of the Regulation and of these Rules are duly observed.

7. The Inspector shall at each Inspection of a factory satisfy himself that the provisions made in the Regulation and Rules to secure the health and safety of the operatives are observed; that the children employed in the factory have been duly certified and the register of children properly maintained; that the hours of employment of women and children and of persons working in shifts are properly recorded; that the periodical stoppages of work and the holidays provided by the Regulation are granted, and that the limits of hours of work laid down therein are not exceeded: and that the abstract and notice prescribed by Section 36 of the Regulation are duly maintained and affixed. He shall further enquire into the cause of all accidents which have taken place since the last inspection. Finally, he shall note how far defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with. Any defects which have come to light at the present inspection as well as any orders passed by him under

the Regulation shall then be recorded. An extract from such record containing the orders of the Inspector and such remarks on defects found to exist as the Inspector may wish to bring to the Manager's notice shall be sent to the Manager, and a copy of the said extract shall be sent to the District Magistrate :

Provided that, when in any area the District Magistrate or an Additional Inspecter exercises all or certain of the powers of an Inspector, a copy of the orders and remarks aforesaid shall be sent by the District Magistrate to the Inspector appointed under Section 4, Sub-section (1), of the Regulation,

8. The Inspector shall keep a file of the records of his inspections and shall submit to the authority to whom he is subordinate for the purposes of this Regulation, on the tenth day of each month, a Diary in Form B attached to these Rules, showing the work done in the preceding month. A copy of the said Diary shall be retained by the Inspector.

9. In the case of factories situated in places coming under the Travancore Municipal Regulation, 1095, if it appears that there has been a disregard of the provisions of the said Regulation relating to sanitary arrangements, removal of objectionable rubbish, the cleaning and fencing of water tanks or the like matters, the Inspector shall, without prejudice to any action which he is empowered to take under this Regulation and Rules, draw the attention of the Health Officer or Sanitary Inspector of the Municipality to the breach of the Sanitary Regulations in question.

Section 37 (*2*) (*c*) and (*d*).

10. (1) The duties of a Certifying Surgeon as such and of a person authorised under Section 8 of the Regulation to exercise his functions shall comprise the examination of persons desirous of being employed in a factory and the grant to them of certificates of age and of physical fitness. No fee shall be charged for such examination or for the grant of a certificate in pursuance thereof.

(2) The Certifying Surgeon or person authorised as aforesaid shall fix such place and such times as may be proper for the attendance of persons wishing to obtain certificates of age and physical fitness. Notice of the place and the times thus fixed shall be given to the Managers of factories within the local limits for which he is appointed.

11. (1) Every Certifying Surgeon shall keep a bound book containing Forms in foil and counterfoil as in Form C attached to these Rules. The Forms shall be numbered consecutively, and shall be printed on cloth-backed paper.

(2) Every certificate granted under Section 7 of the Regulation to a person desirous of being employed in a factory shall be prepared by filling up the foil and counterfoil, on which shall also be impressed the left thumb mark of the person in whose name the certificate is granted.

(3) The Certifying Surgeon shall, when satisfied as to the correctness of the entries made therein, sign the foil and initial the counterfoil, and shall deliver

the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate granted under Section 7 of the Regulation.

(4) If the Certifying Surgeon refuses to grant to any person a certificate under this Rule, no fresh application for a certificate shall be made on behalf of such person until a period of three months has elapsed, unless the Certifying Surgeon otherwise gives permission in writing at the time of refusing to grant the certificate.

(5) In order to facilitate identification of persons applying for duplicate certificates, [see Rule (13)], Certifying Surgeons shall maintain an alphabetical Register of persons to whom certificates are granted. This Register will show the name of the person, the number of the certificate and the number (or other distinguishing mark) of the book containing it.

12. Every person authorised under Section 8 of the Regulation to exercise provisionally the functions of a Certifying Surgeon shall grant certificates in the manner provided for in the last foregoing Rule. The word "Provisional" shall however be printed or stamped in red ink at the top of each foil and counterfoil.

13. (1) When a person to whom a certificate under Section 7 of the Regulation has been granted, loses such certificate, he may apply to the Certifying Surgeon for a copy of the certificate, and the Certifying Surgeon, after making such enquiry as he deems fit, may grant a duplicate thereof. The word "Duplicate" shall be clearly written in red ink across such certificate and initialled by the Certifying Surgeon. The counterfoil in the bound book of Forms shall be similarly marked, "Duplicate" and initialled.

(2) For every copy of a certificate granted under Clause (1) of this Rule, a fee of one rupee shall be charged, which shall be credited to Government. The Certifying Surgeon shall maintain a Register in Form D of all fees paid for the issue of copies of certificates, and shall initial each entry made therein.

(3) No second certificate under Section 7 of the Regulation shall be granted to any person otherwise than in accordance with the provisions of this Rule.

14. (1) The Certifying Surgeon shall visit every factory within the local limits for which he is appointed at least once a quarter and shall give previous notice of his visits. At each of these visits, the Manager shall produce before him at such time as the Certifying Surgeon may fix all children employed in the factory, whether actually at work or not, who are not in possession of certificates granted under Section 7 of the Regulation :

Provided that children employed solely in the places mentioned in Section 3, Sub-section (2), of the Regulation need not be produced before him.

(2) The Certifying Surgeon shall personally examine every child, who is in possession of a "Provisional" certificate granted under Section 8, and shall, if satisfied as to the correctness of the "Provisional" certificate, countersign the same and return it to its owner.

(3) If, on such examination, the Certifying Surgeon is of opinion that the person in possession of a "Provisional" certificate granted under Section 8, is under the age of eleven years or is not fit for employment in a factory, he shall impound the certificate, write on it the word "Cancelled" and sign the same, and shall forward the certificate with such remarks, if any, as he may offer to the Inspector of Factories for information and inform the person who issued it.

Section 37 (2) (e).

15. (1) In every factory all the inside walls of the rooms and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases shall be lime-washed at least once a year, dating from the period when last lime-washed.

(2) The Government may by special order exempt any class of factories or parts thereof from the provisions of this Rule, on the ground that the said provisions are not necessary to satisfy the requirements of Clause (a) of Section 9 of the Regulation as to cleanliness, or are, by reason of special circumstances, inapplicable.

16. All the beams, rafters, doors and other wood-work in every factory shall be painted or varnished once in four years and shall be kept in a cleanly state.

17. The Manager of every factory not exempted under Clause (2) of Rule 15 shall keep a Register showing the dates on which the parts of the factory are lime-washed, painted or varnished.

18. (1) No rubbish, filth or *debris* shall be allowed to accumulate or to remain in any factory in such a position as that effluvia therefrom can arise within the factory.

(2) All latrines and urinals shall be kept in a sanitary state.

19. All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material and shall be regularly flushed and, where possible, connected with some recognised drainage line.

20. The compound surrounding every factory shall be maintained in a strictly sanitary and cleanly condition.

21. Proper arrangements shall be made for maintaining in a clean and drained condition the area round the place where drinking water is distributed to the operatives.

Section 37 (2) (f).

22. (1) There shall be provided for each person employed in any room of a factory a floor area of at least 36 superficial feet and a breathing area of at least 500 cubic feet.

(2) The Manager of every factory shall maintain a register showing the measurements and cubical contents of each room in the factory, the area of the floor

space in each room occupied by machinery or other fixtures, and the area provided for ventilating openings as required by the next following Rule.

Section 37 (2) (*g*).

23. In every room of a factory ventilating openings shall be provided in the proportion of 5 square feet for each person employed in such room, and the openings shall be such as to admit of a continued supply of fresh air :

Provided that, subject to the control of the Government, the Inspector may, for reasons to be recorded in writing, relax the conditions of this Rule where in his opinion this may be done with due regard to the health of the persons employed in any room.

Section 37 (2) (*h*).

24. (1) Every factory which has not been exempted under the Proviso to Section 13 of the Regulation, shall be provided with sufficient urinal and latrine accommodation. The latrine shall be in a place detached from the other factory buildings and on the following scale, *viz.*,

	Seats.
Where the number of operatives does not exceed 50 ...	3
Where the number of operatives exceeds 50 but does not exceed 150 ...	4
Where the number of operatives exceeds 150 but does not exceed 200 ...	5
Where the number of operatives exceeds 200	1 seat for every 50 or fraction of 50.

(2) If females are employed, separate latrines screened from those for males and marked in the Vernacular in conspicuous letters "For women only." shall be provided.

Those for males shall be marked "For men only."

Section 37 (2) (*i*).

25. (1) In every factory a supply of water fit for drinking consisting of at least as many gallons per diem as there are persons employed in the factory shall be provided; and in addition a sufficient quantity of water for washing purposes.

(2) Such supply shall be derived either from a public supply of drinking water, or from one or more wells so situated as not to be polluted or contaminated with organic matter or other impurities.

(3) The water shall be supplied to the operatives free of cost.

Section 16 and Section 37 (1).

26. Every building of more than one storey shall be provided with at least two sets of stairs or steps permanently fixed either inside or outside the building so as to afford direct and unimpeded access from every part of the factory to

the ground level and such stairs shall be provided with a suitable and sufficient hand rail.

27. In factories of more than one storey every window or door giving access to an external staircase shall be so arranged as to open immediately from the inside.

28. Notwithstanding anything contained in Rule 26, ginning factories shall be provided with at least two flight of stairs made of brick-work or other fire-resisting material.

Section 37 (2) (j).

29. Every ring-throstle-frame, flyer-throstle-frame and doubling frame, the tin rollers of which revolve in the usual direction, *i. e.*, in such a manner as to draw upwards between them any object coming into contact with them from beneath and every line of main driving shafts or tail ends of such shafts shall be guarded in the following manner :—

(i) A guard or guards shall be permanently fixed along the whole length of each side of every such frame, and not further under the frame than the centre of each leg on the spring pieces. Such guards shall not be removable by hand, *i. e.*, without the use of tools.

(ii) These guards shall be one or more stout horizontal iron bars or sheets or wooden planks, so placed that the clear vertical space between any two of them, or between the top-most and the spindle rail, or between the lowest and the floor shall in no case exceed seven inches. If iron bars are used, a sufficient number of uprights shall be provided, so as to render the bars rigid enough to resist deflections

(iii) Whenever under the tail end of any such frame there is a clear space exceeding 8 inches from the floor, a like guard shall be similarly fixed across such end.

(iv) Every such frame which may hereafter be erected or re-erected in any factory shall be guarded in the above manner before being brought into use.

(v) Every line of main driving shafts or tail ends of any such shafts which may hereafter be erected or re-erected whose height from the ground floor is less than six feet shall, before it is set to work, be so guarded that it cannot be approached whilst in motion.

30. The following Rules for the protection from danger of persons employed in attending to machinery in motion shall be observed in every factory :—

(i) Every person who goes up to replace a belt or to oil bearings of shaft, shall wear a loin cloth or tight trousers, and shall not wear any loose clothing which is liable to be caught in the machinery.

(ii) Only experienced men and those specially trained for the work shall be allowed to replace fast running belts.

(iii) All ladders used in replacing belts shall be specially made and reserved for that work, and provided with hooks and spurs.

(iv) As far as possible all important pulleys shall be provided with belt hangers :

Provided that when the main belts of any machinery have to be adjusted, the machinery shall be stopped and shall not be set in motion again until such belts have been completely adjusted.

31. All belts shall be regularly examined to see that they are kept at proper tension.

Sections 34 and 37 (2) (k).

32. (1) Notice of accidents resulting in death, or causing such severe injury that there is no reasonable hope that the injured person will be able to return to work within 48 hours shall be sent by telegraph, telephone or special messenger within one hour of the occurrence to—

(a) the Inspector notified for any area as the person to whom notices are to be sent; or

(b) the District Magistrate.

(2) In case of any accident resulting in death, notice shall also be sent within the same time and by similar agency to the officer in charge of the Police-station for the area in which the factory is situated.

(3) If the notice is sent by special messenger, it shall be in Form E attached to these Rules, and if it is sent by telegraph or telephone it shall be confirmed by a written report in that Form.

33. Notice of accidents less serious than those referred to in Rule 32, but which nevertheless prevent the injured person from returning to work within 48 hours of the occurrence shall be sent by post within twenty-four hours of the expiry of that time to the authorities mentioned in Rule 32 (1) (a) and (b) in Form E attached to these Rules.

Section 37 (2) (l).

34. If the Inspector has reason to believe that a fatal or serious accident has occurred in any factory, whether he has received a notice under Section 34 of the Regulation or not, the Inspector shall proceed to make an investigation either by himself or in co-operation with any official deputed by the District Magistrate or the Police authorities, or with both, in order to determine, as soon as possible, the cause of and responsibility for the accident. If it should be found that the death or serious injury resulted from the occupier or Manager of the factory or other person having neglected to observe any provision of this Regulation, or Rule or order made thereunder, the Inspector shall, if he considers that a prosecution should be instituted under the Regulation, give the previous sanction in writing required by

Section 48, and forward the same to the District Magistrate or the Commissioner of Police with the request that a prosecution may be instituted. If the Inspector considers that action should be taken under the Travancore Penal Code, he shall record his opinion and send it to the District Magistrate or the Commissioner of Police for such action as he may think fit.

At the same time he shall record his opinion whether, in the event of the accused being convicted and fined, any portion of the fine recovered should be given to the person injured or his dependants by the Court under Section 422 of the Criminal Procedure Code.

35. In every factory in which the total number of persons employed is 500 or more, there shall be maintained in readily accessible positions first-aid appliances, containing an adequate number of sterilized dressings and some sterilized cotton wool. The appliances shall be kept in good order and shall be placed under the charge of responsible persons who shall be readily available during working hours.

36. In every factory where children are employed, there shall be correctly kept up to date and written afresh from Chingom 1st in each year a Register of Children in Form F attached to these Rules.

37. In every factory the muster roll shall, in the case of every woman and child, show the time of beginning and ending of each period of employment during the day, and opposite the name of each child shall be recorded his number in the Register of Children.

38. In every factory where a child when at work wears, instead of his certificate, a token giving reference to the same, such token shall have the number of the child in the Register of Children stamped upon it. The token shall be attached round the neck of the child.

39. In order to enable the Inspector to see that the provisions of the Regulation for a weekly holiday are observed, the Manager of every factory, in which Sunday is not observed as the weekly holiday, shall keep a Register showing the dates, whether Sundays or week days, on which the factory or any department thereof is closed.

Section 37 (2) (*m*).

40. (1) The abstract of the Regulation and of these Rules required by Section 36 of the Regulation to be affixed shall be, for textile factories, in Form G attached to these Rules.

(2) The abstract of the Regulation and Rules required by Section 36 of the Regulation to be affixed shall be, for non-textile factories, in a Form similar to Form G attached to these Rules, but with necessary alterations approved by the Inspector.

(3) If the abstract of the Regulation and Rules becomes illegible or defaced, a fresh copy shall be affixed.

Section 37 (2) (n).

41. (1) An appeal presented under Section 50 of the Regulation shall be in the form of a memorandum setting forth concisely the grounds of objection to the order, and bearing an appropriate Court Fee stamp and shall be accompanied by a copy of the order appealed against.

(2) On receipt of the memorandum of appeal, the appellate authority shall, if it thinks fit, or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body, if any, declared to be the body representative of the industry concerned under Sub-section (3) of Section 50 of the Regulation, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal, and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear on such date to assist in the hearing of the appeal.

(3) An assessor appointed in accordance with the provisions of Clause (2) shall receive a fee not exceeding Rs. (50) fifty to be fixed by the appellate authority for the hearing of the appeal. The fee shall be paid by Government. But. where assessors have been appointed at the request of the appellant, and the appeal has been decided wholly or partly against him, the appellate authority may direct that the fees of the assessors shall be paid in whole or in part by the appellant.

Section 37 (2) (o).

42. The despatch through the Post or Anchal, under registered cover, of any notice, order or an extract of an Inspector's report sent under the Regulation or under these Rules, shall be deemed a sufficient service on the occupier or Manager of the factory of such notice or order or of any directions contained in such extract.

Form A.

Register of Factories.

Serial number of factory.	District.	Place.	Class of factory.	Name of factory.	Name of occupier.	Name of Manager.	Hours of starting and stopping work.	Average number of operatives employed. Adults. Men.	Adults. Women.	Children. Boys.	Children. Girls.	Whether interval is given after 6 hours' work and if so time and length of interval, or whether factory is worked in accordance with a system of shifts, or whether factory is exempted from interval and if so under what provision of Section 21.	Whether holiday is invariably given on Sundays, or week days or sometimes substituted, or whether factory is exempted and if so under what provision of Section 22.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Form B.

Diary of Inspector.

Date.	Place.	Factories visited or other work done.	Remarks on defects found and directions and orders issued.

Form C.

1. Serial No..
   Date..
2. Name. ....
3. Father's name. ....
4. Sex and caste or religion. } ....
5. Residence. ....
6. Age certified. ....
7. Physical fitness. ....

8. Distinctive marks.

Thumb Impression. A. B. Initials of Certifying Surgeon.

Certificate.

Serial No. ....
Date..............................

I hereby certify that I have personally examined (name) .... son/daughter of..................(caste, etc.) .... residing at ....who is desirous of being employed in a factory, and that his/her age as nearly as can be ascertained from my examination is ....years and that he/she is fit for employment in a factory. His/Her descriptive marks are...........

Thumb Impression. (Sd.) A. B. Certifying Surgeon.

Form D.

Register of Fees paid for the issue of Duplicate Certificate under Section 7 of the Factories Regulation.

Date.	Serial Number.	Name of person to whom granted.	Initials of Certifying Surgeon.

Paid into Treasury..................
Date ....
Signature of Certifying Surgeon.

Form E.

Report of Accidents or Dangerous Occurrences.

Dated...........the...........192 .

Sir,

I,...........beg hereby to give notice under Rule.........of the Travancore Factories Rules that an accident occurred in the factory of...........at.........o'clock on.........causing death / serious injury / slight injury to the persons mentioned below.

Name and address of persons injured.	Caste.	Sex.	Age.	Occupation*	Nature and extent of injury. ‡

The accident was caused by §...

The injured persons are under treatment by..

(Signed.) A. B.
Manager.

* Usual employment or precise occupation at the time of accident.

‡ Describe briefly the nature and extent, *e. g.*, loss of finger, fracture of leg, scald, etc.

§ Here describe how caused, by what part of machinery, or in what other way; if machinery, state whether in motion by mechanical power at the time and if it was due to the carelessness of the operative or not.

Form F.

Register of Children.

Number.*	Name.	Father's name.	Sex.	Caste or religion.	No. of certificate.	Date of certificate.	Remarks

* NOTE.—The number given here will be the same as the number on the token, if any.

Form G.

Abstract of Regulation and Rules.

The Regulation.

All persons.

1. No person shall be employed before 5-30 A. M. or after 7 P. M. unless he is employed in a system of shifts approved by the Inspector.

2. There shall be after each six hours of work a stoppage of half-an-hour during which all work shall be discontinued except by persons employed in a system of shifts approved by the Inspector.

3. No person shall be employed in any factory on a Sunday unless he has had or will have a holiday on one of the three days immediately preceding or succeeding the Sunday.

Exceptions to (1), (2) and (3).

(a) Work by the supervising staff, clerks, watchmen or messengers;

(b) work in the mechanic shop, the smithy or foundry, the boiler house, the engine-room or power-house, or in connection with the mill gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps;

(c) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line shaft alleys or of galleries in ginning factories;

(d) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms "examining" or "repairing."

(e) work on the processes of packing, bundling or baling of finished articles or the receiving or despatching of goods.

Further Exceptions to (1) and (2).

(f) work on sizing, calendering, finishing, sewing and tailoring.

Further Exceptions to (1).

(g) work on cloth-printing, bleaching and dyeing.

Women only.

4. No woman shall work before 6 A. M. or after 6 P. M. or for more than 10 hours on any one day.

Children only.

5. No child shall be employed before 6 A. M. or after 6 P. M. or for more than 7 hours on any one day.

6. No person shall employ or permit to be employed any child in more than one factory on any one day.

7. No child shall be employed unless he is over 11 years of age and has obtained a certificate of age and physical fitness.

8. Every child when at work must have in his possession either his certificate or a token giving reference to such certificate.

9. No child shall use or attempt to use as his own a certificate granted to another child.

10. No child shall obtain two certificates under Section 7 or Section 8 of the Regulation, but if he loses his certificate he may apply to the Certifying Surgeon for a duplicate certificate, the fee for which shall be one rupee.

11. When a child goes to work in a new factory he must give up his token (if any) but must show his certificate to the manager of the new factory.

The Rules.

Latrine accommodation.

1. Every factory which has not been exempted under the proviso to Section 13 of the Regulation shall be provided with urinal and latrine accommodation which shall be in a place detached from the other factory buildings and on the following scale :—

			Seats.
When the number of operatives does not exceed 50		..	3
Do.	Do.	exceeds 50 but does not exceed 150 ...	4
Do.	Do.	exceeds 150 but does not exceed 200...	5
Do.	Do.	200	one seat for every 50 or fraction thereof.

2. If females are employed, separate latrines, screened from those for males and marked in the vernacular in conspicuous letters, " For females only," shall be provided.

Note.—Those for males shall be similarly marked "For men only."

Supply of water.

3. In every factory a supply of water fit for drinking consisting of at least as many gallons per diem as there are persons employed in the factory shall be provided; and in addition a sufficient quantity of water for washing purposes. The water shall be supplied to the operatives free of cost.

Fencing.

4. Every ring-throstle frame, fly-throstle frame and doubling frame, the tin rollers of which revolve in the usual direction, *i. e.*, in such a manner as to draw upwards between them any object coming into contact with them from beneath and every line of main driving shafts or tail ends of such shafts shall be guarded in the following manner :—

(*a*) A guard or guards shall be permanently fixed along the whole length of each side of every such frame and not further under the frame than the centre of each leg of the spring pieces. Such guards shall not be removable by hand, *i. e.*, without the use of tools.

(*b*) The guards shall be one or more stout horizontal iron bars or sheets or wooden planks so placed that the clear vertical space between any two of them or between the topmost and the spindle rail or between the lowest and the floor shall, in no case, exceed 7 inches. If iron bars are used, a sufficient number of uprights shall be provided so as to render the bars rigid enough to resist deflection.

(*c*) Whenever under the tail end of any such frame there is a clear space exceeding 8 inches from the floor, a like guard shall be similarly fixed across such end.

(*d*) Every such frame which may hereafter be erected or re-erected in a factory shall be guarded in the above manner before being brought into use.

(*e*) Every line of main driving shafts or tail ends of any such shafts which may hereafter be erected or re-erected whose heights from the ground floor is less than six feet shall, before it is set to work, be so guarded that it cannot be approached whilst in motion.

Note.—This does not apply to non-textile factories.

27576 N. 78.

5. The following Rules for portection from danger of persons employed in attending to machinery in motion shall be observed in every factory :—

(a) Every person who goes up to replace a belt or to oil bearings of shafts shall wear a loin cloth or tight trousers and shall not wear any loose clothing which is liable to be caught in the machinery.

(b) Only experienced men and those specially trained for the work shall be allowed to replace fast running belts.

(c) All ladders used in replacing belts shall be specially made and reserved for that work and provided with hooks and spurs.

(d) As far as possible all important pulleys shall be provided with belt hangers.

Provided that when the main belts of any machinery have to be adjusted, the machinery shall be stopped and shall not be set in motion again until such belts have been completely adjusted.

6. In every factory the muster roll shall, in the case of every woman and child, show the time of beginning and ending of each period of employment during the day and opposite the name of each child shall be recorded his number in the Register of Children.

Time of working.

7. In every factory where a child when at work wears, instead of his certificate, a token giving reference to the same, such token shall have the number of the child in the Register of Children stamped upon it. The token shall be attached round the neck of the child.

8. Copies of the Regulation and the Rules can be obtained in the Government Press, Trivandrum. Copies of the abstract of the Regulation and Rules can be obtained from the Inspector notified under Sub-section (5) of Section 4 as the Inspector to whom notices are to be sent.

A. B.,
Inspector of Factories.

Address——————————

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 30th Thulam 1089 corresponding with the 15th November 1913.

Whereas it is expedient to make better provision relating to Coinage and the Mint ; We are pleased to enact as follows :—

Preliminary.

1. This Proclamation shall come into force at once.

2. Unless there is something repugnant in the subject or context in this Proclamation,—

(a) " Deface," with its grammatical variations and cognate expressions, includes clipping, filing, stamping, or such other

(1) The Proclamation was published in the Gazette dated 18th November 1913.

alteration of the surface or shape of a coin as is readily distinguishable from the effects of reasonable wear :

(*b*) "The Mint" includes the mint now existing and any which may hereafter be established :

(*c*) "Prescribed" includes prescribed by a Rule made under this Proclamation :

(*d*) "Remedy" means variation from the standard weight and fineness :

(*e*) "Standard weight" means the weight prescribed for any coin.

3. Our Dewan may, under Our sanction, by Notification in the Government Gazette,

(*a*) establish a mint at any place at which a mint does not for the time being exist ; and

(*b*) abolish any mint, whether now existing or which may hereafter be established.

Silver Coinage.

4. The following silver coins may be coined at the mint for issue under Our authority, namely :—

(*a*) A rupee to be called the Sirkar rupee :

(*b*) a half-rupee, or fourteen-chuckram piece :

(*c*) a quarter-rupee, or seven-chuckram piece : and

(*d*) one-seventh of a rupee, or fanam, or four-chuckram piece.

5. (1) The standard weight of the Sirkar rupee shall be one hundred and sixty five and fifteen-sixty-oneths grains Troy, and its standard fineness shall be as follows :—

Nineteen-twentieths, or one hundred and fifty six and sixty-sixty-oneths grains of fine silver, and one-twentieth, or eight and sixteen-sixty-oneths grains of alloy.

(2) The other silver coins shall be of proportionate weight and of the same fineness :

Provided that, in the making of silver coins, a remedy shall be allowed of an amount not exceeding the following, namely :—

	Remedy in weight.	Remedy in fineness.
Rupee Half-rupee	Five-thousandths.	Two-thousandths.
Quarter-rupee	Seven-thousandths.	Three-thousandths.
Seventh of a rupee	Ten-thousandths	

Copper Coinage.

6. The following copper coins shall be coined at the Mint for issue under Our authority, namely :—

(i) One chuckram, or one-twenty-eighth of a rupee ;

(ii) a half-chuckram, or one-fifty-sixth of a rupee ;

(iii) a quarter-chuckram, or one-hundred-and-twelfth of a rupee ; and

(iv) a cash, or one-sixteenth of a chuckram.

7. (1) The standard weight of the one chuckram shall be one hundred and fifty seven grains Troy, and the other copper coins shall be of proportionate weight.

(2) Copper coins shall be coined from a mixed metal consisting of copper, tin and zinc :

Provided that, in the making of copper coins, a remedy shall be allowed of an amount not exceeding one-fortieth in weight.

Dimensions and Designs of Coins.

8. (1) Our Dewan may, under Our sanction, by Notification in the Government Gazette—

(*a*) direct the coining and issuing of all coins referred to in Sections 4 and 6, and

(*b*) determine the dimensions of, and designs for, such coins.

(2) Until Our Dewan under Our sanction otherwise determines by Notification under Sub-section (1), the dimensions and designs of the Sirkar half-rupee, quarter-rupee and fanam coins, coined under this Proclamation, shall be of those prescribed in Our Proclamation dated 3rd April 1912, corresponding to 22nd Meenam 1087.

Legal Tender.

9\. (a) The half-rupee shall be legal tender, in payment or on account, for any sum not exceeding two rupees, provided that the coin—

(i) has not lost in weight so as to be more than four and thirty-eight-sixty-oneths grains below the standard weight; and

(ii) has not been defaced.

(b) The quarter-rupee shall be legal tender, in payment or on account, for any sum not exceeding two rupees, provided that the coin—

(i) has not lost in weight so as to be more than two and nineteen-sixty-oneths grains below the standard weight and

(ii) has not been defaced.

(c) The one-seventh rupee shall be legal tender, in payment or on account, for any sum not exceeding two rupees provided that the coin—

(i) has not lost in weight so as to be more than [illegible] thirty-seven-sixty-oneths grains below the [illegible] weight; and

(ii) has not been defaced.

10\. Copper coins specified in Section 6 shall be legal te[illegible] payment or on account, for any sum not exceeding one rupee at th[illegible] ing rates, respectively, namely :—

(a) The one chukram at the rate of twenty-eight for a rupee, or fourteen for a half-rupee ;

(b) the half-chukram at the rate of fifty-six for a rupee, or twenty eight for a half-rupee ;

(c) the quarter-chuckram at the rate of one hundred and twelve for a rupee, or fifty six for a half-rupee ; and

(d) the one cash at the rate of four hundred and forty-eight for a rupee, or two hundred and twenty-four for a half-rupee.

Diminished, Defaced and Counterfeit Silver Coin.

11\. Where any silver coin which has been coined and issued under Our authority is tendered to any person authorised by Us to act under this Section, and such person has reason to believe that the coin—

(*a*) has been diminished in weight so as to be more than such weight below standard weight as has been prescribed in Section 9 as the limit of reasonable wear, or

(*b*) has been defaced,

he shall, by himself or another, cut or break the coin.

12. A person cutting or breaking coin under the provisions of Clause (*a*) of Section 11 shall observe the following procedure, namely :—

(*a*) If the coin has been diminished in weight so as to be more than such weight below standard weight as has been prescribed as the limit of reasonable wear in Section 9, but not more than such further weight as may be prescribed in this behalf, he shall receive and pay for the coin at the face value of the coin ; and

(*b*) if the coin has been diminished in weight so as to be more than such further weight below standard weight so prescribed as aforesaid, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking.

13. A person cutting or breaking coin under the provisions of Clause (*b*) of Section 11, shall observe the following procedure, namely :—

(*a*) If such person has reason to believe that the coin has been fraudulently defaced, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking ; and

(*b*) if such person has not reason to believe that the coin has been fraudulently defaced, he shall receive and pay for the coin at its face value.

Explanation.—For the purposes of this Section, a coin which, there is reason to believe, has been defaced by sweating, shall be deemed to have been fraudulently defaced.

14. If a coin is liable to be cut or broken under the provisions of both Clause (*a*) and Clause (*b*) of Section 11, the person cutting or breaking the coin shall deal with it,—

(*a*) if he has reason to believe that the coin has been fraudulently defaced, under Clause (*a*) of Section 13, and

(*b*) in other cases, under Section 12.

15. Where any silver coin purporting to be coined or issued under Our authority is tendered to any person authorised by Us to act under

this Section, and such person has reason to believe that the coin is counterfeit, he shall by himself or another cut or break the coin and may at his discretion either return the pieces to the tenderer, who shall bear the loss caused by such cutting or breaking, or receive and pay for the coin according to the value of the silver bullion contained in it.

Supplemental Provisions.

16. (1) Our Dewan may, under Our sanction, make Rules to carry out the purposes and objects of this Proclamation.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(a) reduce the amount of remedy allowed by Sections 5 and 7 in the case of any coin;

(b) provide for the guidance of persons authorised to cut or break coin under Sections 11 and 15; and

(c) prescribe the further weight referred to in Clause (a) of Section 12.

(3) Every such Rule shall be published in the Government Gazette, and on such publication shall have effect as if enacted in this Proclamation.

17. No suit or other proceeding shall lie against any person in respect of anything in good faith done, or intended to be done, under or in pursuance of the provisions of this Proclamation.

REGULATION VI OF 1089.

THE HACKNEY CARRIAGE REGULATION.

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. (1) Title 1
(2) Local extent.
(3) Commencement.

The figures on the right refer to the corresponding Sections of the Madras Hackney Carriage Act No. V of 1911. This has been amended by Act No. III of 1924.

Sections.

2. Definitions 3
(1) "Registering Officer."
(2) "Magistrate."
(3) "Hackney carriage."
(4) "Stage carriage."
(5) "Driving," and "Driver."
(6) "Horse."
(7) "Year of Registration."
(8) "Minor."

CHAPTER II.

Registration and Numbering of Hackney Carriages.

3. Annual registration compulsory 4
4. Application for registry 5
5. Right to registry 6
6. (1) Grant of carriage license 7
(2) Currency of license.
7. Form of license 8
8. Fee for license 9
8-A. Fee for certified copy of register or license.
9. Suspension of license by Registering Officer ... 10
10. Transfer of registry 11
11. (1) Notice of change of residence, &c., to be given by licensee ... 12
(2) Penalty.
12. Transfers and change of residence to be registered ... 13
13. Penalty for keeping unlicensed hackney carriage ... 14
14. (1) Numbering of hackney carriage 15
(2) Renewal of inscription or plate.
15. Penalty for plying for hire without plate 18
16. (1) Return of plate on expiry of license 16
(2) Penalty.
17. (1) Penalty for using counterfeit plate 17
(2) Seizure of counterfeit plate.

CHAPTER III.

Driver's License and Badge.

18. (1) Grant of driver's license 19
(2) Form of license.
(3) Currency of and fee for license.
19. Particulars of license to be registered 20

Sections.

20. Penalty for driving without license or lending license ... 21
21. Suspension of license by Registering Officer ... 22
22. Penalty for suffering unlicensed person to drive ... 23
Proviso.
23. (1) Supply of badge to driver 24
(2) Driver to wear badge.
(3) Penalty.
(4) Renewal of lost or damaged badge.
(5) Penalty.
24. (1) Return of expired license and badge ... 25
(2) Penalty.
25. Penalty for using counterfeit badge 26
26. Seizure of expired or counterfeit badge 27
27. Penalty for failing to produce license before Magistrate ... 28
28. Convictions under Regulation to be endorsed on license ... 29
29. (1) Cancellation or suspension of license on conviction ... 30
(2) Delivery of license or badge on conviction.
(3) Penalty.
(4) Magistrate to communicate sentence and forward license and badge to Registering Officer.
(5) Action to be taken by Registering Officer.

Chapter IV.

Fares, Hiring and Plying for Hire.

30. (1) Maximum fares for use of hackney carriages ... 31
Contract for lower fare to be binding.
(2) Back fares prohibited.
31. Contract for higher fare invalid 32
32. (1) Publication of authorised fares and distances ... 33
(2) Copies of published scale to be available for sale.
(3) Driver to keep copy of published scale and produce on demand.
33. (1) Maximum distance to which driver is bound to drive ... 34
(2) Minimum speed when hired by time.
(3) Penalty.
34. Quantity of luggage to be carried 35
35. Penalty for refusing to let hackney carriage for hire ... 36
36. Penalties for various offences by driver ... 37
37. (1) Requisition to owner to produce absent driver ... 38
(2) Penalty.
(3) *Ex parte* disposal of complaint.

Sections.

38. Procedure in case of disputes between hirer and driver ... 39

39. Procedure in case of refusal to pay fare ... 40

40. Penalty for defacing or destroying plate, badge or Table of fares... 41

41. Penalty for wilful injury to hackney carriage ... 42

42. (1) Hackney carriage may ply for hire as stage carriage ... 43
(2) Fares for use of stage carriages.
(3) Provisions of Regulation applicable to stage carriages.

43. Hackney carriage stands 44

CHAPTER V.

Lost Property.

44. (1) Deposit with Police of property left in hackney carriage ... 45
(2) Penalty.

45. (1) Police to register particulars of property deposited and grant receipt 46
(2) Return of property to owner.
Sale of unclaimed property.

CHAPTER VI.

Prosecutions.

46. *Ex parte* disposal of Criminal charges ... 47

47. (1) Limitation restricting Criminal proceedings ... 48
(2) Continuing offences.

48. Compensation for frivolous prosecution ... 49

CHAPTER VII.

Bye-laws and Delegation.

49. Power to make bye-laws 50

50. Penalty for breach of bye-laws 51

51. Delegation of Registering Officer's functions ... 52

CHAPTER VIII.

Extension of the Regulation.

52. Discharge of Registering Officer's functions in mofussil ... 53

A Regulation to declare the law for the regulation of Hackney Carriages

Passed by His Highness the Maha Raja of Travancore on the 27th December 1913 corresponding with the 13th Dhanu 1089, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to declare the law relating to the regulation of Hackney Carriages ; It is hereby enacted as follows:—

(1) At the meeting of the Council held on the 15th September 1909, a Hackney Carriage Bill was introduced. The Statement appended to the Bill said :—"This Bill is framed exactly on the lines of Act No. III of 1879 which provides for the regulation of hackney carriages in the Town of Madras. The objects and reasons for the legislation in Madras were thus stated when the Bill on the subject was introduced in the Council there :—'The object of this Bill is to make provisions for the registration of all hackney carriages and to place the same under the supervision and control of the Commissioner of Police ; to provide for the hiring of the same at fixed and proper rates, thereby preventing unreasonable and extortionate demands on the part of the owners or drivers of such vehicles; to ensure a decent class of hackney carriages and the orderly and respectable behaviour of the owners and drivers of the same ; and to give jurisdiction to Magistrates to determine differences arising between the owners or drivers of hackney carriages and the hirers thereof.'

"The necessity for similar legislation here has long been felt. The Health Officer of the Town, and the Government Veterinarian, have reported that some of the hackney carriages now plying in Trivandrum are faulty in construction and many are in disrepair, that small or sickly animals are often used to drag heavy conveyances, that too many passengers are crowded into small carriages, that accidents are frequent owing to the use of worn-out harness and fittings, that the rates charged are generally exhorbitant and that the sanitary condition obtaining in the hackney carriage stables is not at all satisfactory.

"The safety and comfort of the public require speedy legislation to control and protect carriages plying for hire for the conveyance of passengers, and for fixing and enforcing the terms of hiring.

"It is proposed to place on the Superintendent of Police the responsibility of working the measure."

(2) At the same meeting the principle of the Bill was affirmed, and the Bill referred to a Select Committee (*T. G. G., dated 28-9-1909*).

The Committee's Report was presented to the Council on 30-5-1910, and considered and the Bill was postponed for final reading (*T. G. G., dated 7-6-1910*). No further action appears to have been taken. In the meantime, the Madras Act was superseded by Act V of 1911; and it was considered desirable to redraft the Bill on the lines of the later Madras Act. The draft Bill was accordingly revised.

Regn. VI of 1089: I. *Objects and Reasons.*—"The necessity for legislation to make provision for the regulation of hackney carriages in the Towns in the State has long been felt. The Bill is framed on the lines of Act V of 1911 which embodies the law in force in the Town of Madras."— *S. O & R.*

II. The Bill was published in the Gazette dated 2-7-1912, and was introduced in the Council and referred to a Select Committee at the meeting of the Council held on 17-10-1912 (*T. G. G., dated 22-10-1912*). The

CHAPTER I.

Preliminary.

Title.

1. (1) This Regulation may be called "The Hackney Carriage Regulation."

Local extent.

(2) It extends—

(a) to the Town of Trivandrum, and

(b) to such other parts of Travancore as Our Government may, by Notification, direct:

Provided that no such Notification shall be issued unless notice of the proposed extension inviting objections thereto shall have been published not less than two months previously.

Commencement.

(3) It shall come into force—

(a) in the Town of Trivandrum, on the first Kumbhom 1089, and

(b) in any area to which it may be extended by a Notification under Clause (b) of Sub-section (2), on such date as may be specified in that behalf in the Notification.

Definitions.

2. In this Regulation, unless there be something repugnant in the subject or context,—

"Registering Officer."

(1) "Registering Officer" shall mean the Commissioner of Police, or any other person appointed, by name or by virtue of his office, by Our Government, for registering, within a particular area, hackney carriages:

"Magistrate."

(2) "Magistrate" means any Magistrate having local jurisdiction in any area to which this Regulation extends:

"Hackney carriage."

(3) "Hackney carriage" means any wheeled vehicle drawn or pushed by man or horse, bullock or other animal, and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to distance:

Committee's Report was published on 20-5-1913, and was presented to, and considered by, the Council on 5-6-1913 (*T. G. G., dated 17-6-1913*). The Bill was finally read and passed on 6-12-1913 (*T. G. G., dated 16-12-1913*). The Regulation was published in the *Gazette* dated 6-1-1914.

"Stage carriage."

(4) "Stage carriage" means any hackney carriage the passengers in which may pay or be charged at the rate of separate and distinct fares for their conveyance thereby:

"Driving and driver."

(5) "Driving" includes dragging or pushing, and "Driver" includes any person who drives, drags or pushes any hackney carriage:

"Horse."

(6) "Horse" includes mule or pony:

"Year of registration."

(7) "Year of registration" means the year ending with the last day of Karkatakam:

"Minor."

(8) "Minor" means any person who has not completed the age of eighteen years.

CHAPTER II.

Registration and Numbering of Hackney Carriages.

Annual registration compulsory.

3. Every hackney carriage shall be annually registered by the Registering Officer.

Application for registry.

4. (1) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the Registering Officer and shall submit such vehicle for such inspection as the Registering Officer may direct.

(2) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purpose of this Regulation.

Right to registry.

5. Every applicant under Section 4 shall be entitled to registration unless the Registering Officer is of opinion that the vehicle is not fit for public use: Provided that no vehicle shall be registered in the name of a minor.

Grant of carriage license.

6. (1) The Registering Officer shall, at the time of registration, deliver a license duly signed by him to the applicant.

Sec. 2 (4): The Madras Amending Act III of 1924 repealed the Stage Carriages Act of 1861, and also omitted the definition of 'Stage carriage' in the Hackney Carriage Act.

(2) A license granted under this Section shall be in force for the year of registration.

Currency of license.

7. The following particulars shall be entered in the register and in the license to be given to the applicant:—

Form of license.

First—The number in the register of the hackney carriage.

Second.—The name and residence of the owner and the place where the carriage is kept.

Third.—A description of the carriage.

Fourth—The number of horses or other animals to be employed in drawing such carriage and, if the carriage is drawn or pushed by men, the number of men to be so employed.

Fifth.—The number of passengers such carriage is licensed to carry.

Sixth.—The date of the license.

8. A fee shall be paid to the Registering Officer for each license in accordance with the following scale:—

Fee for license.

	Rs.	Chs.	C.
(*a*) For every four-wheeled carriage drawn by two or more horses licensed to carry more than six passengers	3	0	0
(*b*) For every other four-wheeled carriage drawn by two horses	2	0	0
(*c*) For every other four-wheeled carriage drawn by one horse or by one or more bullocks	1	0	0
(*d*) For every two-wheeled carriage drawn by one or more horses	0	14	0
(*e*) For every two-wheeled carriage drawn by one or more bullocks	0	7	0
(*f*) For every rickshaw, perambulator or other carriage drawn or pushed by one or more men	0	7	0

Sec. 8: (1) Clause (*c*) in Sec. 9 of the Madras Act is—'For every other four-wheeled carriage......one horse or by bullocks;' and Clause (*f*) is—'For every rickshaw...... carriage drawn or pushed by a man.' The wording in the two Clauses in the Regulation was adopted by the Council on the motion of a Non-official Member who said that "there might be carriages drawn by a single bullock and rickshaws drawn by more than one person and that the Section should cover such cases."— *L. C. P., dated 5-6-1913.*

(2) The scale of fee prescribed in the Regulation is the same as that fixed by Madras Act V of 1911. Act III of 1924 has since substituted a new scale. These rates are Rs. 10, 5, 2 and 1 for the licenses under Clauses (*a*), (*b*), (*c*) and (*d*) respectively and Annas 8 and 4 respectively for the licenses under Clauses (*e*) and (*f*).

Fee for certified copy of register or license.

8–A. Every person applying for a certified copy of the particulars in the register or license mentioned in Section 7 shall be furnished the same on payment of a fee of four chuckrams.

Suspension of license by Registering Officer.

9. The Registering Officer may suspend for such period as he thinks fit the license of any hackney carriage, whenever it appears to him that such carriage or any animal or harness used therewith is unfit for public use.

Transfer of registry.

10. On any transfer of ownership of a hackney carriage, the transferee shall, if he desires to use it as such, within one week from the date of the transfer, apply to the Registering Officer for transfer of the registry, giving him the particulars specified in the first three Clauses of Section 7.

Notice of change of residence, etc., to be given by licensee.

11. (1) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his license and give to the Registering Officer a notice in writing signed by him specifying the new residence or place.

Penalty.

(2) Every such owner who neglects to forward his license and give such notice shall be liable to a fine not exceeding twenty rupees.

Transfers and change of residence to be registered.

12. The Registering Officer, on receiving the application or notice specified in either of the two last preceding Sections, shall make the necessary alteration in the register and the license, and return the license ; and a fee of four chuckrams shall be payable in advance in respect thereof.

Penalty for keeping unlicensed hackney carriage.

13. Whoever keeps any hackney carriage, which has not been duly licensed under this Regulation, shall be liable to a fine not exceeding fifty rupees.

Numbering of hackney carriage.

14. (1) Upon the registration of any hackney carriage, the Registering Officer shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

Renewal of inscription or plate.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the license, the owner of the carriage shall be bound to produce it before the Registering Officer and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the Registering Officer to have a new plate affixed. The charge for such painting or new plate shall be seven chuckrams.

Penalty for plying for hire without plate.

15. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by Section 14, the owner thereof shall be liable to a fine not exceeding twenty rupees.

Return of plate on expiry of license.

16. (1) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Registering Officer.

Penalty.

(2) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said Officer, shall be liable to a fine not exceeding twenty rupees.

Penalty for using counterfeit plate.

17. (1) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Regulation, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this Section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Seizure of counterfeit plate.

(2) Any Police-Officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the Registering Officer.

Sec. 17: In the Madras Act, the penalty is either fine or imprisonment, and not both.

CHAPTER III.

Driver's License and Badge.

Grant of driver's license.

18. (1) It shall be lawful for the Registering Officer to grant a license to act as driver of any hackney carriage to any applicant whom he may consider fit, provided he is not a minor.

Form of license.

(2) Every such license shall contain—

the number of the license, the name, place of abode and age of the person to whom such license is granted,

the description of carriage and animals, if any, to be used therewith, and

the date on which the license was granted,

and shall bear the signature of the Registering Officer.

Currency of and fee for license.

(3) Such license shall be in force for the year of registration and the fee payable therefor shall be one rupee, unless the license relates solely to a carriage of the description specified in Clause (*f*) of Section 8, in which case the fee shall be seven chuckrams.

Particulars of license to be registered.

19. The particulars of every license which shall be granted under the provisions of Section 18 shall be entered in a register by the Registering Officer and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of four chuckrams.

Penalty for driving without license or lending license.

20. If at any time fifteen days after the time when a license should have been obtained, any person acts as the driver of a hackney carriage without having a license in force for the time being, or, having a license, fails to carry it with him when driving a hackney carriage, or transfers or lends it or allows it to be used by any other person, he shall be liable to a fine not exceeding twenty rupees.

Suspension of license by Registering Officer.

21. The Registering Officer may suspend for such period as he thinks fit the license of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed.

Sec. 18: (1) The last six words in Sub-sec. (1) are not found in the Madras Act. They were put in by the Select Committee.

(2) In Madras, the amending Act III of 1924 has raised the license fee to 'one rupee and eight annas' and 'six annas' respectively.

Penalty for suffering un-licensed person to drive.

22. The owner of a hackney carriage, who knowingly suffers any person, not duly licensed under this Regulation, to act as driver of such carriage, shall be liable to a fine not exceeding fifty rupees :

Proviso.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Regulation for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Supply of badge to driver.

23. (1) The Registering Officer shall, at the time of granting a license to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his license

Driver to wear badge.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any Magistrate, in his capacity as driver, wear such badge exposed to view.

Penalty.

(3) In case any such driver omits to wear such badge exposed to view while acting as driver or attending before a Magistrate, in his capacity as driver, he shall be liable to a fine not exceeding ten rupees

Renewal of lost or damaged badge.

(4) Whenever the number on any badge becomes indistinct or is obliterated during the term of the license, and also whenever any badge is lost or stolen, the person to whom the license relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new license and badge delivered to him upon payment of half the fee mentioned in Section 18. Such new license shall be in force for the year of registration.

Penalty.

(5) Every person licensed under the authority of this Regulation who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

Return of expired license and badge.

24. (1) Upon the expiration or other determination of any license granted to a driver under this Regulation, he shall deliver such license and his badge to the Registering Officer.

Penalty.

(2) Every driver who neglects for three days to deliver such expired license and badge to the Registering Officer, and also every person who uses or wears, or fraudulently detains any such expired license or badge and every person to whom any expired license or badge has been delivered, who lends, gives away, pledges or sells such badge to any other person, and every person who detains, wears or uses any license or badge of any other person, shall be liable to a fine not exceeding twenty rupees.

Penalty for using counterfeit badge.

25. Every person who, for the purpose of deception, uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Regulation, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this Section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

Seizure of expired or counterfeit badge.

26. Any Police-Officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under Section 24 has been committed, wheresoever the same may be found, and deliver the same to the Registering Officer.

Penalty for failing to produce license before Magistrate.

27. Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Regulation, he shall carry with him his license, and produce the same if required so to do; and any driver who, on such requisition, refuses to produce such license, shall be liable to a fine not exceeding five rupees.

Convictions under Regulation to be endorsed on license.

28. On the conviction of any driver for any offence under this Regulation, the Magistrate shall cause to be endorsed on his license the nature of the offence, the date of the conviction and the penalty inflicted.

Cancellation or suspension of license on conviction.

29. (1) On the conviction of any driver for any offence under this Regulation, the Magistrate may direct the cancellation of the license of such driver or its suspension for such time as he thinks fit.

Delivery of license or badge on conviction.

(2) For such purpose, he may require the driver or any other person who may be in possession of the license or badge to deliver up the same.

Penalty.

(3) If such driver or other person refuses or neglects to deliver up license or badge, he shall be liable to a fine not exceeding ten rupees.

Magistrate to communicate sentence and forward license and badge to Registering Officer.

(4) The Magistrate shall forward every license and every badge delivered up to him under Sub-section (2) to the Registering Officer together with a memorandum of his sentence in the case.

Action to be taken by Registering Officer.

(5) The Registering Officer shall enter the fact of such sentence in the register referred to in Section 19, and shall either suspend or cancel such license according to the direction of the Magistrate; and if it has been suspended, the Registering Officer shall, on application, at the end of the period of suspension, re-deliver such license or badge to the person to whom it was granted.

CHAPTER IV.

Fares, Hiring and Plying for Hire

Maximum fares for use of hackney carriages.

30. (1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the Registering Officer with the sanction of Our Government duly notified:

Contract for lower fare to be binding.

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding.

Back fares prohibited.

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged.

Contract for higher fare invalid.

31. No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with Section 30 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare. If, in pursuance of such agreement, any person receive any sum exceeding the fare allowed, he shall be liable

to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine.

Publication of authorised fares and distances.

32. (1) The Registering Officer shall cause to be prepared a list in English and Malayalam or other Vernacular language of the fares published under Section 30 and shall annex to such list a Table showing the distances between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

Copies of published scale to be available for sale.

(2) Copies of such list and Table shall be issued to all applicants on payment of a fee of four chuckrams for each copy.

Driver to keep copy of published scale and produce on demand.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and Table and shall on demand produce the same for the inspection of any Police-Officer or for the information of any hirer of, or passenger by, his carriage and shall, in default, be liable to a fine not exceeding ten rupees.

Maximum distance to which driver is bound to drive.

33. (1) The driver of every hackney carriage standing or plying for hire shall drive such carriage to any place named by the hirer which is not more than three miles from the place of hiring in the case of vehicles of the description specified in Clause (*f*) of Section 8 and six miles in the case of any other vehicle.

Minimum speed when hired by time.

(2) When any such carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the Registering Officer.

Penalty.

(3) A driver failing, without reasonable excuse, to comply with the provisions of this Section, shall be liable to a fine not exceeding ten rupees.

Quantity of luggage to be carried.

34. The driver of every hackney carriage shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by the bye-laws under this Regulation.

Penalty for refusing to let hackney carriage for hire.

35. Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled, or without reasonable excuse refuses to let such carriage for hire, shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the

party complaining as to the Magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

36. Every driver of a hackney carriage who—

Penalties for various offences by driver.

(a) is drunk during his employment,

(b) makes use of insulting or abusive language or gesture,

(c) stands elsewhere than at some stand or other place appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place,

(d) wilfully obstructs, or hinders, the driver of any other hackney carriage in taking up or setting down any person into, or from, such other carriage,

(e) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired,

(f) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry,

(g) carries more than such number of passengers,

(h) refuses to carry such quantity of luggage as is provided by the bye-laws under this Regulation,

(i) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same,

(j) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver,

(k) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring,

(l) plies for hire with any carriage or animal which shall at the time be unfit for public use,

(m) without previously disinfecting it, knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease,

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month, or to both.

37. (1) When a complaint is made before a Magistrate against the driver of a hackney carriage under this Regulation, the Magistrate may, if the driver fails to appear, summon the owner to appear and to produce the driver.

Requisition to owner to produce absent driver.

(2) If the owner, after being duly summoned, fails, without reasonable excuse, to appear or to produce the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees.

Penalty.

(3) If the owner fails without reasonable excuse to appear or produce such driver on a subsequent summons requiring him to do so, the Magistrate may dispose of the complaint in the absence of the owner and driver or either of them.

Ex parte disposal of complaint.

38. (1) In case of any dispute between the hirer and driver of any hackney carriage, either may require the other to proceed forthwith to the nearest Magistrate's Court; and the then sitting Magistrate shall hear and determine the dispute in a summary way.

Procedure in case of disputes between hirer and driver.

(2) If no Magistrate be then sitting, either party may require the other to proceed to the nearest Police-Officer who shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

(3) On failure of either party to appear before the Magistrate in pursuance of a requisition under Sub-section (1) or Sub-section (2) or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte*, and his decision shall be binding on both parties.

39. (1) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof the fare payable under this Regulation, the Magistrate may order payment of such fare, and also of reasonable compensation for loss of time, and, in default of immediate payment, such fare and compensation may be recovered as a fine.

Procedure in case of refusal to pay fare.

(2) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under Sub-section (1).

40. (1) Every person who wilfully tears, destroys, defaces, obliterates, or removes any plate, list of fares, Table of distances or driver's badge, kept under the provisions of this Regulation, shall be liable to a fine not exceeding twenty rupees.

Penalty for defacing or destroying plate, badge or Table of fares.

(2) Any portion of the fine may be awarded to the person to whom such plate, list of fares, Table of distances, or driver's badge, belongs.

41. Every person using a hackney carriage who wilfully injures the same, shall be liable to a fine not exceeding twenty rupees and shall also pay to the owner such compensation for the injury as the Magistrate may direct; and such compensation shall be leviable as if it were a fine.

Penalty for wilful injury to hackney carriage.

42. (1) It shall be lawful for a registered hackney carriage to ply for hire as a stage carriage.

Hackney carriage may ply for hire as stage carriage.

(2) The owner or driver of a carriage so plying for hire or hired as a stage carriage shall not be subject to the provisions of Section 30, but shall be entitled to receive such fares as shall be agreed upon between him and the several hirers respectively subject to any maximum which may be prescribed by the Registering Officer.

Fares for use of stage carriages.

(3) All the other provisions of this Regulation shall be applicable, so far as may be, to the case of a hackney carriage standing or plying as a stage carriage.

Provisions of Regulation applicable to stage carriages.

43. (1) The Registering Officer shall appoint a sufficient number of public stands for hackney carriages.

Hackney carriage-stands.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same, containing a notice in English and Malayalam or other Vernacular language stating that the stand is a public stand under this Regulation, and specifying the number of carriages that may stand upon it.

Sec. 42: The corresponding Sec. 43 of the Madras Act has been omitted in the amending Act III of 1924.

CHAPTER V.

Lost Property.

Deposit with Police of property left in hackney carriage.

44. (1) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, carry such property to the nearest Police-station and deposit it with the Sub-Inspector or other Officer on duty and shall be entitled to a receipt duly signed by the Officer taking charge of the same.

Penalty.

(2) Any such owner or driver making default herein shall be liable to a fine not exceeding twenty rupees, or to imprisonment for a period which may extend to one month, or to both.

Police to register particulars of property deposited and grant receipt.

45. (1) The said Officer shall forthwith enter, in a book to be kept for that purpose—

(*a*) the description of the property;

(*b*) the name and address of the driver or other person who brings it;

(*c*) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage; and

(*d*) the day and hour when the property is brought;

and shall give to the person bringing the property a receipt for the same.

Return of property to owner.

(2) Such property shall be delivered to the person who satisfies the Registering Officer that it belongs to him, upon payment of all expenses incurred by the owner or driver, together with such reasonable sum as the Registering Officer may award:

Sale of unclaimed property.

Provided that, if the property is not claimed and the ownership established within six months from the date of deposit, the Registering Officer may cause the property to be advertised and sold by public auction; and the proceeds, after deducting the expenses together with such reasonable sum as the Registering Officer may award to the owner or driver, may be forfeited to the Government.

CHAPTER VI.

Prosecutions.

Ex parte disposal of Criminal charges.

46. If, in any prosecution under this Regulation, the person charged does not appear as directed by the summons, the Magistrate may, upon proof of service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

Limitation restricting Criminal proceedings.

47. (1) No person shall be liabe to prosecution for any offence under this Regulation unless the complaint respecting such offence be made within ten days next after the commission of such offence.

Continuing offences.

(2) For the purposes of this Section, every omission punishable under this Regulation shall be deemed to be a continuing offence so long as the omission continues.

Compensation for frivolous prosecution

48. Where the Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit; and the sum so awarded shall be recoverable as if it were a fine.

CHAPTER VII.

Bye-laws and Delegation.

Power to make bye-laws.

49. The Registering Officer may, subject to the approval of Our Government and after previous publication, make bye-laws not inconsistent with the provisions of this Regulation, with regard to—

(a) the examination and qualifications of drivers and the conditions under which they may be employed;

(b) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the dimensions of such carriages, and the condition in which such carriages and horses, bullocks or other animals, harness and other things used therewith shall be kept;

Sec. 47: In the Madras Act, the period of limitation is one month. As the period allowed there for complaints was unduly long, it was reduced to ten days in the Regulation, by the Council on the motion of a Non-official Member.—

L. C. P., dated 5-6-1913.

(c) the inspection of the permises on which any such carriages, horses, bullocks or other animals, harness and other things are kept;

(d) the protection of weak, lame and sickly horses, bullocks or other animals;

(e) the publication of a list of fares and Table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charge; and

(f) generally for carrying out the purposes of this Regulation:

Provided that such bye-laws shall not take effect until the expiration of one month from the date of their publication.

Penalty for breach of bye-laws.

50. Whoever infringes any bye-law shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees.

Delegation of Registering Officer's functions.

51. With the sanction of Our Government, the Registering Officer may delegate to any other Officer under him all or any of his functions under this Regulation.

CHAPTER VIII.

Extension of the Regulation.

Discharge of Registering Officer's functions in mofussil.

52. Upon the extension of this Regulation to any Town or place under Sub-section (3) of Section 1, Our Government shall appoint persons by name or by official designation to perform the functions of the Registering Officer under this Regulation.

GOVERNMENT NOTIFICATION.

(No. J. 3911, dated 4th May 1918.)

Under sanction of His Highness the Maha Raja, it is hereby notified, for general information, that the provisions of the Hackney Carriage Regulation, VI of 1089, are extended to the Towns of Quilon and Alleppey, as constituted under Regulation III of 1076, as amended by Regulations V of 1085 and II of 1088, with effect from the 1st Mithunom 1093.

The District Superintendent of Police, Quilon, is appointed as the Registering Officer for Quilon, and the President, Town Improvement Committee, Alleppey, for Alleppey.— *T. G. G., dated 7-6-1918, Pt. I, P. 496.*

Table of Fares.

The following Table of fares for Hackney Carriages in the Town of Trivandrum is prescribed under Section 30 of Regulation VI of 1089, in supersession of the Table of fares published on page 28 of the Police Sheet in the Gazette dated the 10th February 1914. (a)

No.	Description of Vehicles.	Per Mile.		12 hours.		6 hours.		3 hours.	
		Rs.	Ch.	Rs.	Ch.	Rs.	Ch.	Rs.	Ch.
1	Four wheeled carriage drawn by two horses (1st Class) ...	0	8	6	0	4	0	2	14
	Do. (2nd Do.) ...	0	7	5	0	3	14	2	14
2	Do drawn by one horse (1st Class) ...	0	6	3	14	2	14	1	14
	Do. (2nd Do.) ...	0	5	3	0	2	0	1	7
3	Two wheeled carriage drawn by horse or pony ...	0	5	2	14	1	14	1	0
4	Two wheeled spring carriage drawn by two bullocks ...	0	5	2	14	1	7	0	21
5	Two wheeled spring carriage drawn by one bull ...	0	3	1	14	0	21	0	14
6	Bullock cart without spring drawn by two bulls ...	0	4	1	21	1	0	0	14
7	Bullock cart without spring drawn by one bull ...	0	2-8	1	0	0	16	0	12

Periods not exceeding 1 hour shall be taken as 1 hour Any period exceeding 1 hour but not exceeding 3 hours shall be taken as 3 hours and exceeding 3 hours but not exceeding 6 hours as 6 hours.

If it is not settled at the time of engagement whether mileage or time-rates is or are to be paid, the choice shall lie with the driver. The mileage rate shall be allowed for all journeys out of Trivandrum Town.

An extra charge of 25 per cent. may be levied for engagements after 8 P. M.

Bye-laws made by the Commissioner of Police, with the approval of the Government, under Section 49 of Regulation VI of 1089.

Examination and Qualifications of drivers and the conditions under which they may be employed.

1. No person shall be licensed to drive a hackney carriage unless he satisfies the Registering Officer (1) that he knows how to drive and is in all

(a) Notification by the Commissioner of Police dated 22nd June 1916.—*T. G. G., dated 27-6-1916, Police Dept., P. 83.*

respects a fit person for such employment, and (2) that he is acquainted with the principal roads and public places in all parts of the town.

2. A driver leaving Trivandrum shall deposit his badge in the office of the Registering Officer where it will be kept and given back to him on his return.

Description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, dimensions of such carriages and the condition in which such carriages and the horses, bullocks or other animals used therewith shall be kept.

3. Every hackney carriage brought for registration shall be sound throughout. The springs and axles shall be in perfect order and the wheels must not rattle. The roof shall be water-tight. The doors must close properly and the windows, venetians and blinds must work easily and be in serviceable order. The lamps shall be two in number and adequate in all respects. Each lamp shall have a red glass window in the back and shall be so placed that the light from the windows is visible from behind. The lining and cushions shall be clean and in good condition. All hackney carriages except bullock carts shall be fitted with efficient brakes.

4. Hackney carriages shall be registered in five classes.

(i) 1st class carriages.
(ii) 2nd class carriages.
(iii) Jutkas and bullock coaches.
(iv) Bullock carts, and
(v) Rickshaws

and every carriage shall have a plate affixed in some conspicuous part of the outside of the carriage *specifying the class*, the number of each class in the register, and the number of persons it is licensed to carry.

NOTE.—This bye-law shall not apply to carriages already on the register until the expiration of one year after these Rules come into force.

5. First class hackney carriage licenses shall only be granted for comfortable, easy running vehicles of a superior description. No carriage drawn by a pair of horses shall be licensed in the first class unless both animals are at least 14·2 hands high, in good condition and fit for their work; and no license shall be granted for a carriage drawn by a single horse unless the animal is in good condition and thoroughly up to work and at least 14 hands high.

6. No carriage shall be given a second class license unless it be in a thoroughly fit and proper condition, and conform to the following minimum dimensions :—

	Inches.
Breadth of carriage inside	36
Depth of seat	15
Width of well of carriage between cushions ...	16
Height of roof	57

7. No carriage drawn by a pair of horses shall be licensed in the second class unless both animals are fit for their work and are at least 12 hands high, and none drawn by a single horse unless the animal is fit for its work and at least 14 hands high.

8. No jutka or bullock coach shall receive a license unless it is well-sprung and is in a clean and safe condition and has sufficient room inside to seat three persons. Ponies shall be at least 11 hands in height and thoroughly up to work and in the case of bullocks each pair must be properly matched strong and in good condition.

9. No bullock cart or coach shall be registered unless it is in thoroughly sound and safe condition.

10. Harness must be of good description and strong. No chain or rope traces, unless they be covered with leather, and no string fastenings, will be allowed.

11. Rickshaws shall be provided with a water-proof hood and a water-proof apron and shall be fitted with two back stays. Rickshaws intended to carry two persons shall have a seat not less than 30 inches in width by inside measurement. Single rickshaws shall have a seat not less than 24 inches in width by inside measurement. When more than one person is carried in a rickshaw it shall be propelled by two men.

12. It shall be the duty of the Registering Officer upon receiving proper information or complaint in writing that any vehicle registered under the Hackney Carriage Regulation or horse used therewith is unfit for use, to send for the same, and if after due inquiry he be satisfied of such unfitness, he shall, by written order, suspend the working of such horse or vehicle for a period not exceeding one month, after which period he shall again examine the horse or vehicle. It shall be obligatory on the owner to produce within 24 hours any horse or vehicle so sent for.

Inspection of the premises on which carriages, horses, bullocks or other animals, harness and other things are kept.

13. It shall be lawful for any Police-Officer of and above the rank of Sub-Inspector, at any time between sunrise and sunset, to enter any premises, on which any hackney carriages or the horses, bullocks or other animals, harness or other things used therewith are kept, in order to carry out any provision of this Regulation or these bye-laws, and the owner of such premises or his agent shall afford every facility for such Officer's inspection.

Protection of weak, lame and sickly horses, bullocks or other animals.

14. No horse, bullock, or other animal shall be used in a hackney carriage in a state unfit for such work.

15. It shall be lawful for the Registering Officer at any time to cause any animal used in a hackney carriage to be produced before him for the purpose of inspection, and it shall be obligatory upon the owner to produce within 24 hours after the receipt of the notice any animal so sent for.

16. It shall be lawful for the Registering Officer by written order to declare any animal used in a hackney carriage to be unfit for such work and to suspend the working of such animal for a period not exceeding one month, after which period he shall again examine the animal.

17. The owner of any animal declared under the preceding Clause unfit for use in a hackney carriage shall, if he disposes of it, or removes it from the premises on which it is stabled, give notice of the fact to the Registering Officer within 24 hours of such disposal or removal, intimating at the same time the name and address of the person to whom he has disposed of it or the place to which it has been removed.

Publication of list of fares and Table of distances.

18. The list of fares and Table of distances fixed by the Registering Officer with the sanction of the Government duly notified shall be published by the affixing of the same in some conspicuous part of his office and in such other places in the Town as to him may seem proper. An abstract of the fares printed on enamelled plates shall be affixed under the orders of the Registering Officer in a conspicuous place in each hackney carriage after such carriage has been licensed.

Regulation of the amount of weight of luggage to be carried with or without additional charge.

19. A small box or hand bag (not exceeding 24 x 15 x 9 inches) and a bundle of bedding or rugs shall be carried free in all classes of carriage. For every other article of luggage, a charge not exceeding two annas may be levied. No hackney carriage shall carry luggage in excess of the following weights:—

Class of carriage.	*In addition to full licensed compliment of passengers.*	*Extra allowance for every passenger below licensed number.*
	lb.	lb.
First and second—		
If drawn by two horses	.. 100	120
Do. one horse	.. 60	
Jutkas and bullock carts—		
If drawn by one horse	... 20	60
Do. two bullocks	... 120	120
Do. one bullock	... 40	60

General.

20. The clothing of drivers and horse-keepers shall be clean, and the drivers of first and second class carriages shall wear livery consisting of a coat, trousers, belt and turban. Horse-keepers may wear knickerbockers. They shall also wear a head covering.

21. Any person hiring a hackney carriage of any description is entitled to the exclusive use of it provided that he pays the prescribed fare. No other passenger shall be admitted without his consent.

REGULATION VII OF 1089.

THE BODY GUARD REGULATION.

CONTENTS.

Preamble.
Sections.

1. Short title and commencement.
2. Definition of Body Guard.
3. Power to frame Standing Orders.
4. Existing Standing Orders applicable to offences committed before the passing of Standing Orders under this Regulation.

A Regulation relating to the Body Guard

Passed by His Highness the Maha Raja of Travancore, on the 2nd March 1914 corresponding with the 19th Kumbhom 1089, under Section 14 of Regulation V of 1073.

Preamble.

Whereas it is expedient to give the force of law to the Standing Orders that may be passed under this Regulation, amending the Standing Orders relating to Our Body Guard now in force; We are hereby pleased to enact as follows:—

Short title and commencement.

1. This Regulation may be called "The Body Guard Regulation," and it shall come into force at once.

The Regulation was published in the Gazette dated 10th March 1914. It was passed direct by His Highness the Maha Raja.

Definition of Body Guard.

2. The words "Body Guard" in this Regulation shall mean and include the Force raised for purposes of ceremonial and personal escort to Us and to the other Members of the Ruling Family.

Power to frame Standing Orders.

3. Our Dewan may, with Our previous sanction, pass from time to time, Standing Orders for all matters connected with Our Body Guard, in supersession or modification of, or in addition to, the Standing Orders now in force. Such Standing Orders shall have the force of law from the date of their publication in Our Government Gazette; and the existing Standing Orders shall cease to have the force of law, from the said date, to the extent that they may be repealed or modified by the Standing Orders passed with Our sanction under the authority of this Regulation.

Existing Standing Orders applicable to offences committed before the passing of Standing Orders under this Regulation.

4. Notwithstanding anything to the contrary in Section 3 of this Regulation, the Standing Orders now in force shall be applicable to all offences committed before the passing of Standing Orders under the authority of this Regulation.

STANDING ORDERS

for

HIS HIGHNESS THE MAHA RAJA'S BODY GUARD.

(*Government Notification No. J. 2233, dated 15th March 1918.*)

Under sanction of His Highness the Maha Raja, the following Standing Orders are made under Section 3 of Regulation VII of 1089, regarding the internal management, discipline, etc., of the Body Guard, in supersession of the Standing Orders now in force.— *T. G. G., dated 19-3-1918, Pt. I, Pp. 353-362.*

[As amended.]

Section 1.

Strength of Body Guards.

1. The Body Guard is as under :—

Native officers	...	...	2
Veterinary Surgeon	...	...	1
Assistant to Veterinary Surgeon		...	1
Rank and File		61 (including 2 Farriers)	
Horses	...	...	60
Puckalies	...	...	2

Syer chowdry	...	...	1
Syces	...	...	34
Dung boys	...	...	2
Grass cutters	...	...	60
Bullocks	...	...	2
Servants	...	...	15

2. All correspondence with any of the Officers of the Sirkar will be conducted by the Commanding Officer alone.

3. The corps will be sub-divided for discipline and interior economy as follows :—

A. Section (Hindus)
B. Section (Hindus)
C. Section (Mahomedans)
D. Section (Mahomedans)

Each of these Sections will be under the command of a Non-commissioned Officer, who will be responsible for every detail in connection with the men, horses and equipment of his Section. Junior Non-commissioned Officers will be distributed to the Sections and will work under the orders of the Section Commander.

4. All application for leave, etc., will, in the first instance, be made to the Section Commander who will bring the case before the Risaldar Major, who, in turn, will lay the case before the Commanding Officer for orders.

NATIVE OFFICERS.

5. The Risaldar Major is generally responsible to the Commanding Officer for the drill and equitation of the corps.

Section II. Duties.

6. The Risaldar Major and Jemadar will alternately carry out the duties of Orderly Officer of the day. In the event of either of these Officers being on leave, the Kote Duffadar Major may be detailed.

7. The Orderly Officer of the day will

(*a*) attend morning and evening stables ;
(*b*) take watering order parade as ordered ;
(*c*) visit the Line Guard once by day and once by night ;
(*d*) visit the sick lines once by day ;
(*e*) visit the gram shed once by day ;
(*f*) in case of fire, take necessary action.

8. He will report at Orderly Room every morning that he has carried out these duties.

NON-COMMISSIONED OFFICERS.

9. The Kote Duffadar Major will, in addition to being in command of a Section, keep the roster for the various duties.

10. He will also keep a book showing all receipts and issues of articles from the Stores.

DRILL DUFFADAR.

11. The Drill Duffadar will, under the orders of the Risaldar Major, be responsible for the training of Recruits and will be assisted by two Rough-riders.

12. He will rank with Duffadars according to seniority and will attend stables daily.

13. The four senior Non-commissioned Officers (2 Hindus and 2 Mussalmen) will each be in charge of a Section. They will report daily at morning stables to the Commanding Officer any men reporting sick or horses lame.

14. An Orderly Duffadar of the week will always be appointed. His duties are—

(a) to furnish a morning report of all men and horses sick or absent;
(b) to parade all men for duty;
(c) to daily march men reporting sick to Hospital and to take over men discharged from Hospital;
(d) to attend morning and evening stables daily.

15. There will be two acting Lance Duffadars in the corps.

16. Efficiency tempered with seniority will be the basis of all promotions.

17. Absence on leave is no excuse for ignorance of orders issued during such absence. On return from leave all ranks must make themselves acquainted with orders issued during their absence.

VETERINARY SURGEON.

18. The Veterinary Surgeon will submit his reports direct to the Commanding Officer.

Section III.
Veterinary Officers and their duties.

19. He is responsible for the grooming and general treatment of all horses in the sick lines.

20. He will—

(a) attend the sick lines daily morning and evening;
(b) go round stables daily at stable hour;
(c) submit daily to the Commanding Officer at Orderly Room a statement showing the number of horses in the sick lines, the cause of admission, treatment applied and how progressing.

21. All indents for country medicines will be submitted for the Commanding Officer's counter-signature.

22. The following books will be kept up :—

(a) general stock book;

(b) quarterly expense book of veterinary medicines;

(c) daily report book of sick horses;

(d) veterinary history sheet for each horse.

23. No horse other than corps horses is to be admitted to or treated in the sick lines without the Commanding Officer's sanction.

24. Officers of the Nayar Brigade are entitled to veterinary attendance for their horses, free of charge.

25. The Veterinary Officer may take private practice, the Commanding Officer's sanction being obtained first to each case. Corps Veterinary medicines, etc., are never to be used for private practice.

ASSISTANT TO THE VETERINARY SURGEON.

26. The Assistant works under the Veterinary Surgeon's orders. He is directly responsible to the Commanding Officer for the shoeing.

27. Two blacksmiths and one bellows-boy are placed at his disposal to make shoes. Shoes will be made as required each day and the practice of making a number of sets of shoes and tacking them on to the horses' feet irrespective of their fitting or not, will be discontinued.

An allowance of four annas per horse, per mensem, for shoeing will be drawn up to a maximum of sixty horses,

28. The blacksmiths and bellows-boy will attend the shoeing shed daily from 7 30 A. M. to 3 P M.

29. The Assistant will daily parade outside the Orderly Room all newly shod horses and those returned from escort duty, for the Commanding Officer's inspection.

30. He will keep a daily shoeing book which will be initialled daily by the Commanding Officer.

FARRIERS.

31. An Orderly Farrier will be detailed weekly for the sick lines. He will remain constantly in the lines during his tour of duty in case of need.

STABLES.

32. The hours for morning and evening stables will be fixed according to the season of the year.

Section IV.

Stables.

33. All ranks will attend morning and evening stables daily, except on Thursdays, Sundays and Leave days, when they will attend morning stables only.

34. Stables will last for one hour, and the following will be the procedure:—

(*a*) the horses' legs and feet will be thoroughly dried and cleaned;

(*b*) the nostrils and dock will then be cleaned with a damp cloth or sponge;

(*c*) the body will then be well groomed, *i. e.*, hand-groomed first and then brushed.

The above will last for 45 minutes, when the Trumpeter on duty will sound one "G", on which the horse's tail will be groomed. On a second "G" sounding, the horse's mane will be groomed. On a third "G", the horse's head will be groomed. There will be an interval of 5 minutes between each "G."

The "Feed" will then be sounded if every horse is clean.

35. Horses coming in heated will have the saddle removed but not the blanket which will be left on the horse's back until the legs and feet have been dried and cleaned. The horses must then be rubbed dry with straw wisps.

36. The horses' legs are never to be washed.

HOSPITAL.

Section V. Hospital.

37. The Orderly Duffadar will march men reporting sick to the Hospital daily at 9 A. M. Those not detained by the Medical Officer will be marched back to duty.

38. When sick Orderlies are required, the Medical Officer will apply to the Commanding Officer for them. Such Orderlies will be struck off all other duties.

39. When a patient in Hospital commits an offence, his crime will be reported by the Medical Officer to the Commanding Officer and an application for a guard to be mounted over him made until returned to duty.

40. Recommendations for sick leave will be made by the Medical Officer, but men capable of carrying on their duties pending transfer to the pension establishment, will not be recommended for leave pending pension.

41. All men enlisting in the Body Guard are to be vaccinated.

DISCIPLINE

Section VI. Discipline.

42. The Commanding Officer is authorised to award the following punishments for such offences as are not deemed sufficiently serious to be brought before a Court-Martial:—

(*a*) *To Officers*—Reprimand.

(*b*) *To Non-commissioned Officers.*—

(i) Imprisonment up to 28 days with or without hard labour, with or without solitary confinement not exceeding seven days.

N. B. A. N. C. O. awarded imprisonment will be considered *ipso facto* to have been reduced to the ranks.

(ii) Reduction to the ranks or a lower grade.

(iii) Loss of standing.

(iv) Removal from staff situation or acting appointment.

(v) Deprivation of class pay.

(vi) Reprimand or severe reprimand.

N. B. Officers and Non-commissioned Officers should not be reprimanded in the presence or hearing of subordinates, lest their authority be weakened and their self-respect lessened.

TO SOWARS, TRUMPETERS AND FARRIERS.

(i) Imprisonment up to 28 days with or without hard labour and with or without solitary confinement, such solitary confinement not to exceed seven days.

(ii) Dismissal.

(iii) Removal from probationary or acting appointment.

(iv) Deprivation of class pay.

(v) Confinement to lines up to 15 days.

(vi) Extra stables (for minor stable offences).

43. The imprisonment awarded under Rule 42 will carry with it deprivation of pay and allowances, and the prisoner will be entitled to subsistence allowance only at the rate of (8) eight chuckrams p r diem.

Men undergoing treatment in the hospital for venereal diseases (certified by the Medical Officer to be the result of their own imprudence) will forfeit all pay for the number of days in hospital and a subsistance allowance of chuckrams (8) eight only per diem be allowed.

The same penalties will be enforced in the case of men suffering from scabies who have not reported the same to the Medical Officer.

44. The Commanding Officer is entitled to discharge summarily any person of whatever rank, who may have enlisted without declaring his previous service in the Indian Army, or in the military service of any State.

45. Not more than 48 hours (Sunday and the weekly holiday excepted) should elapse between the receipt of a report of a crime and its investigation.

46. All punishments exceeding 15 days' confinement to lines, which will constitute a Troop Defaulter, will constitute a Regimental Defaulter.

47. Prisoners undergoing confinement other than solitary confinement will be put to punishment drill and will in addition be employed for not less than two and not exceeding six hours daily in cleaning the Lines, Saddlery and accoutrements, under supervision.

48. Prisoners undergoing imprisonment will, while not undergoing fatigue or punishment drill, be subjected to separate confinement.

49. Prisoners undergoing solitary confinement are not to leave their cells except for purposes of nature or for such exercise as the Medical Officer may recommend.

(a) The Orderly Officer will visit prisoners daily to ascertain if they have any complaints.

(b) The Medical Officer will also visit all prisoners daily. On a prisoner reporting sick he will be taken to Hospital and a guard mounted over him.

(c) Only Officers and Non-commissioned Officers on duty are permitted to visit prisoners.

(d) Prisoners during drill, fatigue or exercise, are not to be permitted to converse.

(e) Facilities for washing daily and for periodical change of clothing, are to be granted to all prisoners.

(f) Prisoners will not be permitted to cook their own food. This must be brought to them ready prepared.

(g) All sentences of imprisonment and confinement in solitary cells will be carried out in the Nayar Brigade Quarter Guard and solitary cells, respectively.

50. Men sentenced by civil authorities for an offence—

(a) to a fine not exceeding Rs. five, will be considered Troop Defaulters;

(b) to a fine exceeding Rs. five, Regimental Defaulters;

(c) to imprisonment with or without hard labour, will be dismissed.

51. Any person absent without leave for a period of two months shall be struck off the strength of the Body Guard as a deserter.

52. The Rules in regard to trials by Court-Martial laid down for the Nayar Brigade, except Rules 2 to 28, are applicable to His Highness' Body Guard.

FURLOUGH AND LEAVE.

53. All furlough and leave is subject to the exigencies of the service.

Section VII.
Furlough and leave.

54. Native Officers and men whose homes are at a distance, in British India, may be granted leave annually up to 60 days with pay.

55. All others may be granted leave up to a maximum of 30 days annually

56. All grants of leave require the Commanding Officer's sanction.

57. Men proceeding on leave for more than 3 days will be furnished with passports signed by the Commanding Officer.

58. All grants of leave will be notified in Body Guard orders,

59. The leave for the various festivals, etc., will be as follows :—

New Year's day Good Friday Christmas day H. M. The King Emperor's Birthday H. H. The Maha Raja's Birthday	One day each.
Swargavathil Ekadesi Thye Pongal Sivarathri Chithra Vishu Chithra Nombu Thiruputhari Deepavali Thirukarthigay Solar eclipse	One day each for Malayalees.
Audi Amavasi } 1 day each Audi Aruthi } Chathoorthy-One day Onam-4 days Dusserah-3 days Ulsavam-3 days	For Malayalees.
Dusserah-3 days	For other Hindus.
Muharram-5 days Akri Charshumba-1½ days Shaban-2 days Ramzan-2 days Bakrid-1½ days Baraufat-1 day Lylamul Qador-1 day Thasthagar-1 day	For Mahomedans only.
New Moon day-1 day Vavoo Orikal-1 day Aavani Pirappu-1 day Valiya Karikuvettu-1 day	For Malayalees only.

60. Men absent without leave will, in addition to such punishment as may be awarded, forfeit their pay for the period of absence.

61. Men ordered to appear before Civil Courts will be allowed one day's leave unless the Court is situated more than 10 miles from Trivandrum, in which case, two days' leave may be granted. Any excess over this will be without pay.

62. Syces may be granted 3 days' leave at a time subject to a total of 14 days a year.

63. Leave for Civilians will be regulated by the Civil Leave Rules of the State.

DISCIPLINE—CIVILIANS.

Section VIII. Civilians—Discipline.

64. All appointments to the civil establishment of the Body Guard, the maximum pay, permanent or temporary, of which does not exceed Rs. 50 will be made by the Commanding Officer.

65. The Commanding Officer is empowered to dismiss, degrade, suspend, discharge or accept the resignation of any Officer he has power to appoint.

66. The Commanding Officer has power to award fines to all non-gazetted Officers, provided that no fine shall exceed Rs 5.

67. The Commanding Officer may grant any kind of leave to any Officer he can appoint, privilege leave to all non-gazetted Officers, and casual leave to all Officers.

68. Any Officer punished by the Commanding Officer shall be furnished by him with a copy of the order imposing the punishment. It shall be open to the Officer so punished to submit an appeal to Government within 30 days of the receipt by him of the order punishing him: Provided that there shall be no appeal to Government on an order of fine passed by the Commanding Officer.

HORSES' FEED AND FORAGE.

69. The gram-shed is in charge of the Risaldar Major.

Section IX.
Horses' Feed and Forage.

70. The Risaldar Major will take over daily from the contractor the required amount of raw gram, weighing the same after it has been well cleaned. He will report the weight to the Head clerk for entry in the Horses' Ration Book.

71. The gram will be cooked under Risaldar Major's orders and when cooked, handed over in bulk to the Orderly Officer.

72. The Orderly Officer will divide the gram into four parts, one for each Section, and will hand over one portion to each of the 4 Section Commanders, who will be held personally responsible that their horses get their proper feed.

73. The Feed will be as follows:—

	Wheat-bran.	Gram.	Salt.
Morning	1 lb.	3 lbs. (raw weight)	...
Midday	1 lb.	1 lb.	...
Evening	1 lb.	3 lbs.	...

74. Grass-cutters' bundles of grass will be weighed daily at the weighing shed at 5 P. M. by the Orderly Officer. The daily grass ration is 45 lbs. and each grass-cutter's bundle must be of that weight. Any short weight will entail a fine.

75. The Orderly Officer will inform the Head Clerk of the amount of weight short in each bundle for entry in the book.

76. Bundles of grass are never to be washed before being brought to the Lines. Disobedience of this order will entail a fine.

77. The straw yard is under the supervision of the Risaldar Major.

78. The daily issue of straw is 10 lbs. per horse.

79. Straw will be issued daily at 4-30 P. M. to the Orderly Officer who will hand over to each Section Commander the amount due to his Section. The Orderly Officer will inform the Head Clerk of the amount issued by him for entry in the forage account.

80. Not less than 10 days' supply of straw should always be kept by the contractor in the straw shed. All straw supplied by the contractor will be weighed on receipt by the Risaldar Major.

THE STORES.

81. The Head Clerk will act as Store-keeper. He will be assisted by the Line Lance Duffadar.

Section X.
The Stores

82. No issues of any kind will be made from the Stores except on indents countersigned by the Commanding Officer.

83. The following will be issued for cleaning saddlery, line gear, etc., for distribution to the 4 Section Commanders :—

MONTHLY.	Dubbing 12 lbs.
	Yellow Bar Soap 8 Bars.
	Metal Polish 12 Tins.
QUARTERLY	Dusting cloths 65.
	Horse Brushes 60.
HALF YEARLY.	Sponges 60.
YEARLY	Feed Boxes 60.

84. The following will be issued monthly for line gear purposes :—

Brooms	30 lbs. weight.
Baskets	4.
Rope	4 skeins.
Match	boxes 4.

85. All articles sent to the Stores for repair will be entered in a book kept for the purpose and this will be initialled by the Non-commissioned Officer taking the articles to the Stores. The Non-commissioned Officer taking over the articles after repair will similarly initial the book as having received them.

86. All fresh articles received from a contractor will be shown to the Commanding Officer prior to issue.

87. No private work is to be undertaken by the Stores except with the Commanding Officer's sanction, and no expenditure of any kind is to be incurred without his sanction.

88. The Stores will be open daily from 7-30 A. M. to 4 P. M., Thursdays, Sundays and holidays excepted. One hour is allowed for meals.

89. The Parade Ground, Lucerne Garden and grounds of the Body Guard are in charge of the Line Lance Duffadar.

90. The following is the Lucerne Garden Establishment :—

Lance Duffadar in charge	Rs. 6 per mensem.	
One Mali	Rs. 6	„
Two Malis	Rs. 5 each	„

91. Lucerne and Guinea grass will be cut daily as available, brought to the Lines, weighed by the Garden Lance Duffadar and handed over for distribution to the Risaldar Major. A book giving daily produce of the Lucerne Garden will be shown to and initialled by the Commanding Officer daily.

CLOTHING.

Section XI. Clothing.

92. The periodical supply of clothing, all of which is a free issue, is given in Appendix A.

93. Clothing will, as far as possible, be made up in the Stores, temporary tailors being engaged as necessary under the Commanding Officer's orders.

94. No clothing will be taken into wear until it has been inspected and passed by the Commanding Officer.

PAY AND PENSION.

Section XII. Pay and Pension.

95. The pay of all ranks of the Body Guard is given in Appendix B.

96. The following are the Rules regarding class pay :—

SOWARS TRUMPETERS	1 Re. after every two years' completed service up to 8 years.
LANCE DUFFADARS & DUFFADARS.	2 Rs. after every two years' completed service up to 4 years.

Class pay is forfeited if a Sowar or N. C. O. has 2 Regimental Defaulter entries during 12 months. For each additional entry over 2, the sowar or N. C. O. will lose one year's service to class pay. A sowar or N. C. O. must serve 2 years from the date of his last Regimental Defaulter entry, before class pay which has been forfeited can be restored ; during these 2 years he must have no Regimental Defaulter entry.

PAY.

97. Pay bills will be submitted in Travancore currency on the last day of each Malabar month.

98. On pay bills being passed, a token will be issued to the N. C. O. presenting each bill. This token will be presented at the counter and a cheque will then be issued ; this will be cashed at the Treasury.

99. An allowance of Rs. 2 will be paid to the N. C. O. disbursing the pay and keeping the acquittance roll.

100. An extract of all orders affecting pay and allowances will be attached to the pay bill as an authority and voucher.

101. All charges must be supported by vouchers.

PENSION RULES.

102. The following are the rules for pension and gratuity :—

PENSION
(i) after 20 years' service — ½ average emoluments.
(ii) after 15 „ - 3/8 of „

GRATUITY
(i) after a service of less than 5 years - Nil.
(ii) after a service of not less than 5 years but less than 10 years - 3 months' pay.
(iii) after a service of not less than 10 years but less than 15 years - 6 months' pay.

Those who are invalided in consequence of disorders brought on by indulgence in irregular or intemperate habits shall be eligible to receive only ¾ths of the full amount of the gratuity otherwise admissible. No Officer, Sowar or servant of the Body Guard, whose effective service is below 21 years shall be eligible for pension or gratuity, unless he is medically declared unfit for further service. After 21 years medical certificate of incapacity shall not be required.

[The Appendices are omitted.]

REGULATION VIII OF 1089.

A Regulation to amend the Lunacy Regulation I of 1080

Passed by His Highness the Maha Raja of Travancore, on the 30th March 1914, corresponding with the 17th Meenam 1089, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Lunacy Regulation I of 1080; It is hereby enacted as follows :—

In Section 21, substitute the words "a Head Constable" for the words "an Officer in charge of a Police-station".

REGULATION IX OF 1089. (a)

THE ANCHAL REGULATION

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. Short title, extent and commencement 1
2. Repeal of enactment
3. Definitions 2
   (a) "Mail bag."
   (b) "Officer of the Anchal Department."
   (c) "Postage."
   (d) "Anchal Stamp"
   (e) "Anchal Office."
   (f) "Anchal article."
4. Meanings of "in course of transmission by Anchal" and "delivery" 3

CHAPTER II

Privilege and Protection of the Government.

5. Exclusive privilege of conveying letters reserved to the Government 4
6. Certain persons expressly forbidden to convey letters ... 5
7. Exemption from liability for loss, misdelivery, delay or damage ... 6

CHAPTER III.

Postage.

8. Power to fix rates of postage 7
9. Power to make Rules as to payment of postage and fees in certain cases 8
10. Power to make Rules as to registered newspapers ... 9
11. Liability for payment of postage 11
12. Recovery of postage and other sums due in respect of Anchal articles. 12

(a) Amended by Regulation IX of 1096. The figures on the right refer to the corresponding Sections of the Indian Post Office Act, VI of 1898, as amended by subsequent enactments passed in 1903, 1912, 1914, 1921 and 1922.

ections.
13. Anchal office marks *prima facie* evidence of certain facts denoted 14
14. Official mark to be evidence of amount of postage ... 15

CHAPTER IV.

Anchal Stamps.

15. Provision of Anchal stamps and power to make Rules as to them 16
16. Anchal stamps to be deemed stamps for the purpose of revenue ... 17

CHAPTER V.

Conditions of Transmission of Anchal Articles.

17. Re-delivery to sender of Anchal article in course of transmission by Anchal 18
18. Transmission by Anchal of anything injurious prohibited ... 19
19. Transmission by Anchal of anything indecent, &c., prohibited ... 20
20. Power to make Rules as to transmission by Anchal of Anchal articles 21
21. Power to postpone despatch or delivery of certain Anchal articles 22
22. Power to deal with Anchal articles posted in contravention of Regulation 23
23. Power to deal with Anchal articles containing goods contraband or liable to duty 24
23-A. Power to intercept notified goods during transmission by Anchal 25
24. Power to intercept Anchal articles for public good ... 26
25. Power to deal with Anchal articles bearing fictitious or previously used Anchal Stamps 27

CHAPTER VI.

Registration, Insurance and Value-payable Anchal.

26. Registration of Anchal articles 28
27. Power to make Rules as to registration 29
28. Insurance of Anchal articles 30
29. Power to require insurance of Anchal articles ... 31
30. Power to make Rules as to insurance 32
31. Liabilities in respect of Anchal articles insured ... 33
32. Transmission by Anchal of value-payable Anchal articles ... 34
33. Power to make Rules as to value-payable Anchal articles ... 35
34. Power to give effect to arrangements with another State ... 36

CHAPTER VII.

Undelivered Anchal Articles.

Sections.

35. Power to make Rules as to disposal of undelivered Anchal articles 37

36. Disposal of undelivered Anchal articles at the Anchal Superintendent's office 38

37. Final disposal of undelivered Anchal articles 39

CHAPTER VIII.

Anchal Hundis.

38. Power to maintain Anchal hundi system and to make Rules as to remittance thereby 43

39. Power of remitter to recall Anchal hundi or alter name of payee 44

40. Power to give effect to arrangements with another State ... 46

41. Recovery of Anchal hundi paid to the wrong person ... 47

42. Exemption from liability in respect of Anchal hundis ... 48

CHAPTER IX.

Penalties and Procedure.

Offences by Officers of the Anchal Department.

43. Penalty for misconduct of person employed to carry or deliver mail bags or Anchal articles 49

44. Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or Anchal articles 50

45. Penalty for making false entries in register kept by persons employed to carry or deliver Anchal articles 51

46. Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of Anchal articles 52

47. Penalty for opening, detaining or delaying Anchal articles ... 53

48. Penalty for fraud in connection with official marks, and for receipt of excess postage 54

49. Penalty for fraudulently preparing, altering, secreting or destroying Anchal office documents 55

50. Penalty for fraudulently sending unpaid Anchal articles ... 56

Other Offences.

51. Penalty for contravention of Section 5 58

51-A. Penalty for contravention of Section 6 59

Sections.

52. Penalty for breach of Rules under Section 15 60
53. Penalty for contravention of Section 18 or 19 61
54. Penalty for defiling or injuring Anchal office letter boxes ... 62
55. Penalty for affixing without authority anything to, or painting, tarring, or disfiguring, Anchal office or Anchal office letter-box 63
56. Penalty for making false declaration 64
57. Penalty for detaining mails or opening mail bag ... 67
58. Penalty for retaining Anchal articles wrongly delivered or mail bags 68
59. Penalty for unlawfully diverting letters 69

General.

60. Penalty for abetting or attempting to commit offences under Regulation 70
61. Property in cases of offences to be laid in the Anchal office ... 71
62. Authority for prosecutions under certain Sections of Regulation 72

CHAPTER X.

Supplemental.

63. General power to make Rules and provisions as to Rules under Regulation 74
64. Delegation of powers other than Rule-making power to Anchal Superintendent 75

Schedule of Anchal Rates.

A Regulation to consolidate and amend the law relating to the Anchal Offices in the State

Passed by His Highness the Maha Raja of Travancore on the 4th April 1914 corresponding with the 22nd Meenom 1089, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the Anchal Offices in the State; We are pleased to enact as follows:—

Prior to the year 1064 M. E., the conduct of the Anchal service was regulated by certain Departmental Rules which had not the force of law. The necessity for passing an Anchal Regulation had been brought to the notice of the Government by the Anchal

Superintendent, and the necessity became imperative in view of the introduction of Anchal cards and stamps, a reform very acceptable to the public who had to pay the postage in cash and to the Department itself, the officials of which had to grant receipts for every chuckram paid. A Regulation (I of 1064) was accordingly passed. It was drafted on the lines of the Indian Post Office Act (No. XIV of 1866).—*A. R. 1064.*

The Department was being worked under this Regulation till 1089 when the existing law was enacted.

Regn. IX of 1089.—I. *Objects and Reasons.*—"Considering the growth of the Department in the various branches of its business, the above Regulation (of 1064) must be said to have become incomplete and inadequate during the twenty years and more that have rolled over it. Many important items of that business, such as the posting, registration and delivery of letters and other articles and the disposal of unclaimed and refused ones are still being regulated by a body of Rules enacted by the Government from time to time in virtue of the authority conferred on them by Sec. 5 of the Regulation. It may also be observed that that Section, while enumerating the various heads of Anchal business on which the Government may pass auxiliary Rules, contains no reference to many important transactions, such as the Hundi, the Money Order and the Value-Payable Post, which have latterly come into existence and which are being carried on entirely in accordance with Rules passed by the Government in that behalf. The introduction of other measures, such as the insured post, which are not provided for in the existing Regulation will undoubtedly tend to enhance the public convenience. The Regulation has therefore to be amended so as to remove the above defects and introduce a more up-to-date system of Anchal business."— *S. O & R.*

II. Leave to introduce the Bill in the Council was granted at the meeting held on 2-3-1911 (*T. G. G., dated 7-3-1911*). The Bill was published on 11-10-1911, introduced and referred to a Select Committee on 8-1-1912 (*T. G. G., dated 23-1-1912*). The Committee's Report was published on 6-5-1913, and was presented to, and considered by, the Council on 5-6-1913 (*T. G. G., dated 17-6-1913*). The Bill was finally read and passed on 3-3-1914 (*T. G. G., dated 24-3-1914*). The Regulation was published in the Gazette dated 7-4-1914.

Regn. IX of 1096.—I. *Objects and Reasons.*—(1) The Official Member in charge, in introducing the Bill, and moving that its principle be affirmed, explained in full the Statement appended to the Bill and spoke as follows:—"The circumstances that led to the introduction of the Bill are these. The recent revision of salaries in the Anchal Department increased the expenditure of that Department, and it was felt that the expenditure of the Department should be met out of the receipts from that Department. Therefore, an emergency Regulation was passed by Government modifying the Schedule of Anchal rates to some extent. That Regulation will be in force only up to the end of Chingam 1097. The present Bill has therefore been introduced to amend the Schedule. The Bill empowers the Government to fix the rates of postage, registration fee, money orders, etc., below the maximum fixed in the Schedule. Though the Schedule fixes the maximum rates, it is not the object of Government that these rates should be brought into force immediately. It is only when a necessity arises that the rates will be raised by means of a Notification up to the maxima fixed in the Schedule. This provision is necessary as it may not be feasible to bring an amending Bill before the Council on each occasion whenever the rates have to be increased to keep pace with the postal rates elsewhere. The Members are aware of the delay that is incidental to the passing of a measure through the Council. * * * The practice in British India, where at the Budget meeting such Bills are introduced, may be known to the Members. There, the Bill is introduced and discussed and passed at the same session, and, before the session

closes, the Bill becomes law. That is not possible here. Whenever a revision has to be effected in the rates, it will take roughly eight months to have it done. It is to avoid this delay that the present provision has been made. In Travancore itself, we have the Post Office and the Anchal Office. The Council may know without any explanation from me that the Anchal rates are always less than the Postal rates. There need therefore be no fear that the Anchal rates will be arbitrarily increased. The Government may be safely trusted to exercise the discretion in such a way that the rates do not cause any hardship to the public. With reference to the rates themselves, I may say that, on a comparison of them with the British Postal rates, it will be found that the only rate that approximates that in British India is the price of cards. In other cases, the rates will be found considerably less than the Postal rates. For instance, in the case of letters not exceeding one tola, the rate now is eight cash, and it is proposed to raise it to one chuckram, whereas in British India the rate is one chuckram and six cash, and in Cochin, it is nearly one chuckram. The same is the case in respect of other articles mentioned in the Schedule. I can assure the Council that the discretion vested in the Government will be properly exercised."

A motion was made from the Non-official side to postpone the introduction of the Bill till the Budget meeting, which was however lost. The introduction of the Bill was then opposed in respect of the principle involved in the enhancement of the rates. The Member in charge replied as follows, in answer to the observations made :—" * * In the first place, it was suggested that, with reference to letters of half a tola, the rate fixed in the Schedule was higher than the British Indian rate. I beg to draw the attention of the Members to the fact that the Indian Act itself does not recognise half a tola at all. The rate fixed is for one tola to 2½ tolas. The limit of half a tola has been inserted by an executive order of Government. What is proposed to be done here is to fix the maximum rate up to one tola. I believe my friends know that it will be done in such a way as not to be injurious to the Government itself. Mr. ....apprehends that the Post Office will supersede the Anchal Office. That is a matter which the Government will look to. There need not be any fear or anxiety that the rates that will be fixed will be in any way higher than or equal to the British Indian rates. He asked : "Why not the whole thing connected with the Bill be done in one sitting of the Council ?" We have only one sitting more this year. The Bill, if considered by the Council at that meeting, should be finally passed in another meeting in Thulam next by which time the Emergency Regulation will cease to have force. It was therefore that the Bill was introduced at this meeting. With reference to the observation that the discussion may be put off to the next meeting, I do certainly concede that my friends on the other side will be able to realise the situation of Government better if they sit on the Finance Committee and to know that it is not possible to make any satisfactory retrenchment and that the budget framed will be a deficit budget. My friends will then probably have no objection to pass the measure as it is. As I said at the outset, the reason for introducing the measure at this meeting is that the Emergency Regulation ceases to have force in Chingam 1097. That is why there is the motion opposite to my name for the suspension of the rules. But out of deference to the wishes of my friends, I think that the Bill may be referred to a Select Committee to report before the next budget meeting. I believe that will satisfy the non-official members. I will not press the suspension of the rules to have the Bill passed now."

President:—" I should like to say a word or two to remove the misapprehension of the members on this side of the House, who are naturally suspicious of Government and Government's intentions. They think that once the maximum rates are fixed, Government are going to give effect to those rates.

CHAPTER I.

Preliminary.

1. (1) This Regulation shall be called "The Travancore Anchal Regulation.

Short title, extent and commencement.

(2) It shall apply to the whole of Travancore.

(3) It shall come into force on the 1st Medam 1089.

2. Regulation I of 1064 is hereby repealed.

Repeal of enactment.

3. In this Regulation,—

Definitions.

I may assure the Non-official Members that that is not the intention of Government. The maximum rate for the Anchal card was slightly raised simply because it happened that, when the Bill was under consideration, the rate for the post card in British India was proposed to be put at six pies. The Non-official Members know that the British Postal rates serve as an automatic check on the increase of Anchal rates. However black the intentions of Government may be depicted, I do not think that Government would raise Anchal rates to such a pitch as to commit financial suicide. Unless our rates are substantially lower than the British Indian or the Cochin rates, I do not know how we can make the Anchal Department work successfully. In fact, the intention of Government is that the rates recently promulgated should be adhered to for as long a time as possible. Of course, one or two inconveniences have been pointed out by the public in regard to the five-cash Anchal card. At any rate, if we are to remedy these inconveniences, the rate will have to be either raised or lowered slightly. Mr.......made one statement which I think is not quite accurate. He thought that this Bill was being brought forward with a view to make the Department self-supporting. I do not subscribe to any such proposition. No Department can be self-supporting. Mr.........made some observations criticizing the budget. I must admit that the method of budgetting is wrong not only in regard to this Department but is so in regard to many other Departments. If we begin to direct our criticisms towards the budget, we shall find the same state of things elsewhere also. It is true that, as the Financial Secretary has pointed out, the incidence of expenditure in this Department is not represented in its true colours in our budget. As he said, the expenditure on account of stationery, etc., incurred for this Department has not been taken into account, and if these items are considered, the Department is working at a loss. But that is not the reason why the rates are proposed to be increased. The main reason is that we want to balance income and expenditure as a whole for the administration. This is the interest of the public as well. As the Bill is to be sent to a Select Committee, these aspects of the question may be threshed out there, and the Committee may propose any modifications if they think that the maxima are high."— *L. C. P., dated 2-6-1921.*

II. The Bill was published in the Gazette dated 10-5-1921, was introduced in the Council and referred to a Select Committee on 2-6-1921 (*T. G. G., dated 12-7-1921*). The Committee's Report was published on 5-7-1921, and was presented to, and considered by, the Council on 28-7-1921 (*T. G. G., dated 6-9-1921*). At the same meeting, the Bill was also finally read and passed. The Regulation was published in the Gazette dated 9-8-1921.

(c) the delivery of an Anchal article at the house or office of the addressee, or to the addressee, or his servant or agent or other person authorised to receive the article according to the usual manner of delivering Anchal articles to the addressee, shall be deemed to be delivery to the addressee.

CHAPTER II.

Privilege and Protection of the Government.

Exclusive privilege of conveying letters reserved to the Government.

5. (1) Wherever within Our territories Anchal or Anchal communications is or are established by Our Government, Our Government shall have the exclusive privilege of conveying by Anchal, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say:—

(a) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying, or delivering them;

(b) letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose:

(c) letters solely concerning goods or property, sent either by water or by land to be delivered with the goods or property which the letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them; and

(d) letters carried by the British Post under such arrangement as has been or may be made by Our Government from time to time:

Provided that nothing in this Section shall authorise any person to make a collection of letters excepted as aforesaid for the purpose of sending them otherwise than by Anchal.

Sec. 4 (c): The expression "considered to be" occurs after the words "or other person" in the Indian Act. They were in the original Bill, but were omitted by the Select Committee.

(2) For the purpose of this Section and Section 6, the expression "letters" includes Anchal cards.

Certain persons expressly forbidden to convey letters.

6. Whenever, within Our territories, Anchal or Anchal communications is or are established by Our Government, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no hire, reward or other profit or advantage for so doing, that is to say :—

(a) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages ; and

(b) owners and Masters of vessels sailing or passing on any river or canal in Travancore, or between any Ports or places in Travancore, and their servants or agents, except as regards the letters solely concerning goods on board.

Exemption from liability for loss, misdelivery, delay or damage.

7. Our Government shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any Anchal article in course of transmission by Anchal, except in so far as such liability may, in express terms, be undertaken by Our Government, as hereinafter provided; and no Officer of the Anchal Department shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently, or by his wilful act or default.

CHAPTER III.

Postage.

Power to fix rates of postage.

8. (1) Our Government may, by Notification in the Government Gazette, fix the rates of postage and other sums to be charged in respect of Anchal articles sent by Anchal under this Regulation, and may make Rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged :

Provided that the highest rate of postage, when prepaid, shall not exceed the rate set forth for each class of Anchal articles in the Schedule.

(2) Unless and until such Notification as aforesaid is issued, the rates set forth in the Schedule appended hereto, shall be the rates chargeable under this Regulation.

Power to make Rules as to payment of postage and fees in certain cases.

9. Our Government may, by Rule,—

(a) require the prepayment of postage on Anchal articles or any class of Anchal articles and prescribe the manner in which prepayment shall be made ;

(b) prescribe the postage to be charged on Anchal articles when the postage is not prepaid or is insufficiently prepaid ;

(c) provide for the re-direction of Anchal articles and the transmission by Anchal of articles so re-directed, either free of charge or subject to such further charge as may be specified in the Rules ; and

(d) prescribe the fees to be charged for the "Express delivery" of Anchal articles, in addition to, or instead of, any other postage chargeable thereon under this Regulation.

Explanation.—" Express delivery " means delivery by a special messenger or conveyance.

Power to make Rules as to registered newspapers.

10. (1) Our Government may make Rules providing for the registration of newspapers for transmission by Anchal as registered newspapers.

(2) For the purpose of such registration, every publication consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely :—

(a) that it is published in numbers at intervals of not more than thirty two days ; and

(b) that it has a *bona fide* list of subscribers.

(3) An extra or supplement to a newspaper, bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper :

Provided that no such extra or supplement shall be so deemed, unless it consists wholly or in great part of matter like that of the newspaper, and has the title and the date of publication of the newspaper printed at the top of each page.

Explanation.—Nothing in this Section or in the Rules thereunder shall be construed to render it compulsory to send newspapers by Anchal.

Liability for payment of postage.

11. (1) The addressee of an Anchal article on which postage or any other sum chargeable under this Regulation is due, shall be bound to pay the postage or sum so chargeable on his accepting delivery of the Anchal article, unless he forthwith returns it unopened :

Provided that, if any such Anchal article appears to the satisfaction of the Anchal Superintendent, to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage.

(2) If any Anchal article on which postage or any other sum chargeable under this Regulation is due, is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Regulation.

Recovery of postage and other sums due in respect of Anchal articles.

12. If any person refuses to pay any postage or other sum due from him under this Regulation in respect of any Anchal article, the sum so due may, on application made by an Officer of the Anchal Office authorised in this behalf by the written order of the Anchal Superintendent, be recovered, for the use of the Anchal Department from the person so refusing, as if it were a fine imposed under this Regulation, by any Magistrate having jurisdiction where that person may for the time being be resident.

Anchal office marks *prima facie* evidence of certain facts denoted.

13. In every proceeding for the recovery of any postage or other sum alleged to be due under this Regulation in respect of an Anchal article,—

(*a*) the production of the Anchal article having thereon the official mark of the Anchal office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact, so denoted, and

---

Sec. 12: The Indian Act also empowers the Post Master General to direct that any other postal article, not being on Her Majesty's service, addressed to that person be withheld from him, until the sum so due is paid or recovered as aforesaid. The object of this is the prompt and effective recovery of small sums of money. A similar provision was made in the Bill, but the Council omitted it, on the motion of an Official Member who said that "the withholding of other articles addressed to the defaulter would work hardship on innocent third parties who might have to send notices of suit, &c."—
L. C. P., dated 5-6-1913.

(b) the person from whom the Anchal article purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.

Official mark to be evidence of amount of postage.

14. The official mark on an Anchal article denoting that any postage or other sum is due in respect thereof shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

CHAPTER IV.

Anchal Stamps.

Provision of Anchal stamps and power to make Rules as to them.

15. (1) Our Government shall cause Anchal stamps to be provided of such kinds and denoting such values as they may think necessary for the purposes of this Regulation.

(2) Our Government may make Rules as to the supply, sale and use of Anchal stamps.

(3) In particular, and without prejudice to the generality of the foregoing power, such Rules may—

(a) fix the price at which Anchal stamps shall be sold;

(b) declare the classes of Anchal articles in respect of which Anchal stamps shall be used for the payment of postage or other sums chargeable under this Regulation;

(c) prescribe the conditions with regard to perforation, defacement and all other matters subject to which Anchal stamps may be accepted or refused in payment of postage or other sums;

(d) regulate the custody, supply and sale of Anchal stamps;

(e) declare the persons by whom and the terms and conditions subject to which Anchal stamps may be sold; and

(f) prescribe the duties and remuneration, if any, of persons selling Anchal stamps.

Anchal Stamps to be deemed stamps for the purpose of revenue.

16. Anchal stamps provided under Section 15 shall be deemed to be stamps issued by the Government for the purpose of revenue within the meaning of the Travancore Penal Code, and, subject to the other provisions of this Regulation, shall be used for the prepayment of postage or other sums

chargeable under this Regulation in respect of Anchal articles, except where the Government direct that prepayment shall be made in some other way.

CHAPTER V.

Conditions of Transmission of Anchal Articles.

Redelivery to sender of Anchal article in course of transmission by Anchal.

17. (1) Our Government may, by Rule, provide for the re-delivery to the sender, without reference to the consent of the addressee and subject to such conditions (if any) as may be deemed fit, of any Anchal article in course of transmission by Anchal.

(2) Save as provided by any Rule that may be made under Sub-section (i), the sender shall not be entitled to recall an Anchal article in course of transmission by Anchal.

Transmission by Anchal of anything injurious prohibited.

18. (1) Except as otherwise provided by Rule and subject to such conditions as may be prescribed thereby, no person shall send by Anchal any explosive, dangerous, filthy, noxious, or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure Anchal articles in course of transmission by Anchal or any Officer of the Anchal Department.

(2) No person shall send by Anchal any article or thing which is likely to injure Anchal articles in course of transmission by Anchal or any Officer of the Anchal Department.

Transmission by Anchal of anything indecent, &c., prohibited.

19. No person shall send by Anchal—

(a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card or any other indecent or obscene article, or

(b) any Anchal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening, or grossly offensive character.

Power to make Rules as to transmission by Anchal of Anchal articles.

20. (1) Our Government may make Rules as to the transmission of Anchal articles by Anchal.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(*a*) specify articles which may not be transmitted by Anchal;

(*b*) prescribe conditions on which articles may be transmitted by Anchal;

(*c*) provide for the detention and disposal of the articles in course of transmission by Anchal in contravention of Rules made under Clause (*a*) or Clause (*b*);

(*d*) provide for the granting of receipts for, and the granting and obtaining of certificates of, posting and delivery of Anchal articles and the sums to be paid, in addition to any other postage, for such receipts and certificates; and

(*e*) regulate covers, Forms, dimensions, maximum weights and enclosures and the use of Anchal articles, other than letters, for making communications.

(3) Anchal articles shall be posted and delivered at such times and in such manner as the Anchal Superintendent may, by order, from time to time, appoint.

Power to postpone despatch or delivery of certain Anchal articles.

21. (1) Where the despatch or delivery from an Anchal Office of letters would be delayed by the despatch or delivery therefrom, at the same time, of book, pattern or sample packets and parcels, or any of them, such packets or parcels or any of them may, subject to such Rules as Our Government may make in this behalf, be detained in the Anchal Office so long as may be necessary.

(2) Where separate parcel mails are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Anchal Office for that purpose.

Power to deal with Anchal articles posted in contravention of Regulation.

22. (1) Any Anchal article sent by Anchal in contravention of any of the provisions of this Regulation, may be detained and either returned to the sender or forwarded to the destination, in each case charged with such additional postage (if any) as Our Government may, by Rule, direct.

(2) Any Officer in charge of an Anchal office or authorised by the Anchal Superintendent in this behalf, may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by Anchal, which he suspects to have been sent by Anchal in contravention of Section 19, Clause (*a*), or of Section 20, Sub-section (2), Clauses (*a*) and (*b*), or of any of the provisions of this Regulation relating to postage.

(3) Notwithstanding anything in Sub-section (1)—

(a) any Anchal article sent by Anchal in contravention of the provisions of Section 18 may, under the authority of the Anchal Superintendent, if necessary, be opened and destroyed ; and

(b) any Anchal article sent by Anchal in contravention of the provisions of Section 19 may be disposed of in such manner as Our Government may, by Rule, direct.

Power to deal with Anchal articles containing goods contraband or liable to duty.

23. Except as otherwise provided in this Regulation, where an Anchal article, suspected to contain any goods of which the import by Anchal or the transmission by Anchal is prohibited by or under any enactment for the time being in force or anything liable to duty, is received for delivery at an Anchal office, the Officer in charge of the Anchal office shall send a notice in writing to the addressee inviting him to attend, either in person or by agent, within a specified time, at the Anchal office, and shall, in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid, then in his absence, open and examine the Anchal article in the presence of two respectable witnesses and make a record of the same with their attestation: Provided that in all cases, an Anchal article, after being opened under this Section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and the opening of the article and the circumstances connected therewith shall be immediately reported to the Anchal Superintendent.

Power to intercept notified goods during transmission by Anchal.

23-A. Where a Notification has been published under Section 18 of the Sea Customs Regulation, V of 1088, in respect of any goods of any specified description, any Officer of the Anchal Department empowered in this behalf by Our Government may search, or cause search to be made, for any such goods in course of transmission by Anchal, and shall deliver all Anchal articles reasonably believed or found to contain such goods to such Officer as Our Government may appoint in this behalf, and such goods may be disposed of in such manner as Our Government may direct. In carrying out any such search, such Officer of the Anchal Department may open or unfasten, or cause to be opened or unfastened, any newspaper or any book, pattern or sample packet in course of transmission by Anchal,

Power to intercept Anchal articles for public good.

24. (1) On the occurrence of any public emergency, or in the interests of the public safety or tranquillity, Our Government or any Officer specially authorised in this behalf by Our Government, may, by order in writing, direct that any Anchal article or class or description of Anchal articles in course of transmission by Anchal shall be intercepted or detained or shall be delivered to the Government or to an Officer thereof mentioned in the order, to be disposed of in such manner as Our Government may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under Sub-section (1) was in the interests of the public safety or tranquillity, a certificate signed by the Chief Secretary to the Government shall be conclusive proof on the point.

Power to deal with Anchal articles bearing fictitious or previously used Anchal stamps.

25. (1) Where an Anchal article is received by Anchal,—

(*a*) bearing a fictitious Anchal stamp, that is to say, *facsimile* or imitation or representation of an Anchal stamp, or

(*b*) purporting to be prepaid with any Anchal stamp which has been previously used to prepay any other Anchal article,

the Officer in charge of the Anchal office at which the Anchal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the Anchal office to receive delivery of the article.

(2) If the addressee or his agent attends at the Anchal office within the time specified in the notice and consents to make known to the Officer in charge of the Anchal office the name and address of the sender of the Anchal article and to redeliver to the Officer aforesaid the portion of the Anchal article which bears the address and the fictitious or previously used postage stamp, or if the Anchal article is inseparable from the stamp, the entire Anchal article, the Anchal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the Anchal office within the time specified in the notice, or having attended within that time, refuses to make known the name and address of the sender or to re-deliver the Anchal article or portion thereof as required by Sub-section (2), the article shall not be delivered to him, but shall be disposed of in such manner as Our Government may direct.

CHAPTER VI.

Registration, Insurance and Value-payable Anchal.

Registration of Anchal articles.

26. The sender of an Anchal article may, subject to the other provisions of this Regulation, have the article registered at the Anchal office at which it is posted and require a receipt therefor; and Our Government may, by Notification in the Government Gazette, direct that, in addition to any postage chargeable under this Regulation, such further fee as may be fixed by the Notification shall be paid on account of the registration of Anchal articles.

Power to make Rules as to registration.

27. (1) Our Government may make Rules as to the registration of Anchal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(a) declare in what cases registration shall be required;

(b) prescribe the manner in which the fees for registration shall be paid; and

(c) direct that an amount not exceeding twice the fee for registration shall be levied on the delivery of an article required to be registered on which the fee for registration has not been prepaid.

(3) Anchal articles made over to the Anchal office for the purpose of being registered shall be delivered, when registered, at such times and in such manner as the Anchal Superintendent may, by order, from time to time, appoint.

Insurance of Anchal articles.

28. Our Government may, by Notification in the Government Gazette, direct—

(a) that any Anchal article may, subject to the other provisions of this Regulation, be insured at the Anchal office at which it is posted against the risk of loss or damage in course of transmission by Anchal, and that a receipt therefor shall be granted to the person posting it; and

---

Sec. 27 (2): In the Indian Act, Clause (c) is:—"direct that *twice the fee* for registration" &c. The Bill adopted this, but the Council changed it on the motion of an Official Member who said "that the amount of twice the fee appeared to be the maximum to be fixed by the Rules, but the wording, as it stood, empowered the Government to fix only twice the fee and did not give it a discretion to levy any fee below that rate."— *L. C. P., dated 5-6-1913.*

(b) that, in addition to any postage and fees for registration chargeable under this Regulation, such further fee as may be fixed by the Notification shall be paid on account of the insurance of Anchal articles.

Power to require insurance of Anchal articles.

29. Our Government may, by Notification in the Government Gazette, declare in what cases insurance shall be required, and direct that any Anchal article containing anything required to be insured, which has been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the Notification.

Power to make Rules as to insurance.

30. (1) Our Government may make Rules as to the insurance of Anchal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(a) declare what classes of Anchal articles may be insured under Section 28;

(b) fix the limit of the amount for which articles may be insured; and

(c) prescribe the manner in which the fees for insurance shall be paid.

(3) Anchal articles made over to the Anchal office for the purpose of being insured shall be delivered, when insured, at such places, at such times, and in such manner as the Anchal Superintendent may, by order, from time to time, appoint.

Liabilities in respect of Anchal articles insured.

31. Subject to such conditions and restrictions as Our Government may, by Rule, prescribe, Our Government shall be liable to pay compensation, not exceeding the amount for which an Anchal article has been insured, to the sender thereof, for the loss of the Anchal article or its contents, or for any damage caused to it in course of transmission by Anchal:

Provided that the compensation so payable shall in no case exceed the value of the article lost or the amount of damage caused.

Transmission by Anchal of value-payable Anchal articles.

32. Our Government may, by Notification in the Government Gazette, direct that, subject to the other provisions of this Regulation, and to the payment of fees at such rates as may be fixed by the Notification, a sum of money specified in writing at the time of posting by the sender of an

Anchal article, shall be recoverable on the delivery thereof from the addressee, and that the sum so recovered shall be paid to the sender :

Provided that Our Government shall not incur any liability in respect of the sum specified for recovery, unless and until that sum has been received from the addressee.

Explanation.—Anchal articles sent in accordance with the provisions of this Section may be described as "value-payable" Anchal articles.

Power to make Rules as to value-payable Anchal articles.

33. (1) Our Government may make Rules as to the trasmission by Anchal of value-payable Anchal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(*a*) declare what classes of Anchal articles may be sent as value-payable Anchal articles;

(*b*) direct that no Anchal articles shall be so sent unless the sender declares that it is sent under a *bona fide* order received by him ;

(*c*) limit the value to be recovered on the delivery of any value-payable article ;

(*d*) prescribe the form of declaration to be made by the senders of value-payable Anchal articles, and the time and manner of the payment of fees ;

(*e*) provide for the retention and repayment to the addressee in cases of fraud of money recovered on the delivery of any value-payable Anchal article ; and

(*f*) prescribe the fees to be charged for enquiries into complaints regarding the delivery of or payment for value-payable Anchal articles.

(3) Anchal articles shall be made over to the Anchal Office for the purpose of being sent as "value-payable" and shall be delivered when so sent, at such times and in such manner as the Anchal Superintendent may, by order, from time to time, appoint.

(4) No suit or other legal proceeding shall be instituted against Our Government or any Officer of the Anchal Department in respect of anything done, or in good faith purporting to be done, under any Rule made under Clause (*e*) of Sub-section (2).

34. (1) Where arrangements are in force with any other State for the transmission by Anchal of registered, insured or value-payable Anchal articles, between Our territories and that State, Our Government may make Rules to give effect to such arrangements.

Power to give effect to arrangements with another State.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may prescribe—

(a) the form of declaration to be made by the senders of such Anchal articles as aforesaid; and

(b) the fees to be charged in respect thereof.

CHAPTER VII.

Undelivered Anchal Articles.

35. (1) Our Government may make Rules as to the disposal of Anchal articles, which for any reason cannot be delivered, hereinafter referred to as "undelivered Anchal articles."

Power to make Rules as to disposal of undelivered Anchal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(a) prescribe the period during which undelivered Anchal articles at an Anchal office shall remain in that office, and

(b) provide for the publication of lists of undeliverod Anchal articles, or of any class of undelivered Anchal articles.

(3) Every undelivered Anchal article, after being detained at an Anchal office for the period prescribed by Rule under the foregoing provisions of this Section, shall be either forwarded free of further charge to the Anchal office at which it was posted, for return to the sender, or sent to the office of the Anchal Superintendent.

36. (1) Every article received at the office of the Anchal Superintendent under Sub-section (3) of Section 35 shall be dealt with as follows:—

Disposal of undelivered Anchal articles at the Anchal Superintendent's office.

(a) if practicable, it shall be re-directed and forwarded by Anchal to the addressee; or

(b) if it cannot be re-directed and forwarded as aforesaid, its hall be opened by some Officer, appointed by the Anchal Superintendent in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.

(2) If the name and address of the sender are so ascertained, it shall be returned by Anchal to the sender, free of further charge or subject to such further charge as Our Government may, by Rule, direct.

Final disposal of undelivered Anchal articles.

37. Undelivered Anchal articles which cannot be disposed of under the foregoing provisions, shall be detained in the office of the Anchal Superintendent for such further period (if any), and shall be dealt with in such manner as Our Government may, by Rule, direct:

Provided that—

(a) letters and cards shall be destroyed;

(b) money or saleable property, not being of a perishable nature, found in any undelivered Anchal article, shall be detained for a period of one year in the office of the Anchal Superintendent, and, if, on the expiration of that period, no person has established his right thereto, shall, if money, be credited to the Anchal Department, and, if saleable property, be sold, the sale proceeds being credited to the Anchal department.

CHAPTER VIII.

Anchal Hundis.

Power to maintain Anchal hundi system and to make Rules as to remittance thereby.

38. (1) Our Government may provide for the remitting of small sums of money through the Anchal office by means of Anchal hundis, and may make Rules as to such Anchal hundis.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may prescribe—

(a) the limit of amount for which Anchal hundis may be issued;

(b) the period during which Anchal hundis shall remain current; and

(c) the rates of commission or the fees to be charged on Anchal hundis or in respect thereof.

Power of remitter to recall Anchal hundi or alter name of payee.

39. (1) Subject to such conditions as Our Government may, by Rules made under Section 38, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Anchal office, by means of Anchal hundi, may require that the

amount of the hundi, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.

(2) If neither the payee nor the remitter of an Anchal hundi can be found, and if, within the period of one year from the date of the issue of the hundi, no claim is made by such payee or remitter, the amount of such hundi shall not be claimable from the Government.

Power to give effect to arrangements with another State.

40. (1) Where arrangements are in force with any other State, for the issue and payment through the Anchal office of Anchal hundis between Our territories and that State, Our Government may make Rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may prescribe—

(a) the manner in which and the conditions subject to which, such hundis may be issued and paid in Travancore; and

(b) the rates of commission to be charged thereon.

Recovery of Anchal hundi paid to wrong person.

41. If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund—

(a) any amount paid to him, in respect of an Anchal hundi by an Officer of the Anchal Department in excess of what ought to have been paid to him in respect thereof, or

(b) the amount of an Anchal hundi paid by an Officer of the Anchal Department to him instead of to some other person to whom it ought to have been paid,

such amount shall be recoverable from the person so neglecting or refusing, as if it were an arrear of land revenue due from him

Exemption from liability in respect of Anchal hundis.

42. No suit or other legal proceeding shall be instituted against Our Government or any Officer of the Anchal Department in respect of—

(a) anything done under any Rules made by Our Government under this Chapter; or

(b) the wrong payment of an Anchal hundi caused by incorrect or incomplete information given by the remitter as to the name and address of the payee: Provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or

(c) the payment of any Anchal hundi being refused or delayed by or on account of any incidental neglect, omission or mistake by, or on the part of, an Officer of the Anchal Department, or for any other cause whatsoever other than the fraud or wilful act or default of such Officer; or

(d) any wrong payment of an Anchal hundi after the expiration of one year from the date of the issue of the Anchal hundi; or

(e) any wrong payment or delay in payment of an Anchal hundi beyond the limits of Travancore by an Officer of any Anchal office not being one established by Our Government.

CHAPTER IX.

Penalties and Procedure.

Offences by Officers of the Anchal Department.

Penalty for misconduct of person employed to carry or deliver mail bags or Anchal articles.

43. Whoever, being employed to carry or deliver any mail bag or any Anchal article in course of transmission by Anchal,—

(a) is in a state of intoxication while so employed, or

(b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or Anchal article as aforesaid is endangered, or

(c) loiters or makes delay in the conveyance or delivery of any such mail bag or Anchal article as aforesaid, or

(d) does not use due care and diligence safely to convey or deliver any such mail bag or Anchal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or Anchal articles.

44. Whoever, being employed to carry or deliver any mail bag or any Anchal article in course of transmission by Anchal, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Sec. 43 : Case Law.

See Vol. II, *Page 788*.—10 T. L. R., *144*.

45. Whoever, being employed to carry or deliver any Anchal article in course of transmission by Anchal and required while so employed to keep any register, makes or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered an Anchal article which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for making false entries in register kept by persons employed to carry or deliver Anchal articles.

46. Whoever, being an Officer of the Anchal Department, commits theft in respect of, or dishonestly misappropriates or for any purpose whatever secretes, destroys or throws away, any Anchal article in course of transmission by Anchal or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of Anchal articles.

47. Whoever, being an Officer of the Anchal Department, contrary to his duty, opens or causes or suffers to be opened any Anchal article in course of transmission by Anchal, or wilfully detains or delays, causes or suffers to be detained or delayed, any such Anchal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both :

Penalty for opening, detaining or delaying Anchal articles.

Provided that nothing in this Section shall extend to the opening, detaining or delaying of any Anchal article under the authority of this Regulation or in obedience to the order in writing of Our Government, or the direction of a competent Court.

48. Whoever, being an Officer of the Anchal Department,

Penalty for fraud in connection with official marks and for receipt of excess postage.

(a) fraudulently puts any wrong official mark on an Anchal article, or

(b) fraudulently alters, removes or causes to disappear, any official mark which is on an Anchal article, or

(c) being entrusted with the delivery of any Anchal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Regulation,

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently preparing, altering, secreting or destroying Anchal office documents.

49. Whoever, being an Officer of the Anchal Department entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punished with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently sending un-paid Anchal articles.

50. Whoever, being an Officer of the Anchal Department, sends by Anchal, or puts into any mail bag, any Anchal article upon which postage has not been paid or charged in the manner prescribed by this Regulation, intending thereby to defraud the Government of the postage on such Anchal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Other Offences.

Penalty for contravention of Section 5.

51. (1) Whoever—

(a) conveys, otherwise than by Anchal, a letter within the exclusive privilege conferred on Our Government by Section 5, or

(b) performs any service incidental to conveying, otherwise than by Anchal, any letter within the exclusive privilege aforesaid, or

(c) sends, or tenders or delivers in order to be sent, otherwise than by Anchal, a letter within the exclusive privilege aforesaid, or

(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by Anchal,

shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this Section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

51-A. (1) Whoever, in contravention of the provisions of Section 6, carries, receives, tenders or delivers letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

Penalty for contravention of Section 6.

(2) Whoever, having once been convicted of an offence under this Section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

52. Whoever, being appointed to sell Anchal stamps,—

Penalty for breach of Rules under Section 15.

(a) takes from any purchaser of any Anchal stamp or quantity of Anchal stamps a price higher than that fixed by any Rule made under Section 15, Sub-section (3), Clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(b) commits a breach of any other Rule made under Section 15,

shall be punishable with fine which may extend to two hundred rupees.

53. (1) Whoever, in contravention of the provisions of Section 18 or Section 19, sends or tenders or makes over in order to be sent by Anchal, any Anchal article or thing, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for contravention of Section 18 or 19.

(2) The detention in the Anchal office of any Anchal article on the ground of its having been sent in contravention of the provisions of Section 18 or Section 19, shall not exempt the sender from any proceedings which might have been taken if the Anchal article had been delivered in due course of Anchal.

54. Whoever places in or against any letter-box provided by the Anchal office for the reception of Anchal articles, any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any such letter-box, or does anything likely to injure any such letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for defiling or injuring Anchal office letter-boxes.

Penalty for affixing without authority anything to, or painting, tarring or disfiguring, Anchal office or Anchal office letter-box.

55. Whoever, without due authority affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars, or in any way disfigures any Anchal office or any letter-box provided by the Anchal Department for the reception of Anchal articles, shall be punishable with fine which may extend to fifty rupees.

Penalty for making false declaration.

56. Whoever, being required by this Regulation to make a declaration in respect of any Anchal article to be sent by Anchal, or the contents or value thereof, makes in his declaration any statement which he knows or has reason to believe to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.

Penalty for detaining mails or opening mail bag.

57. Whoever, except under the authority of this Regulation or in obedience to the order in writing of Our Government or the direction of a competent Court, detains the mails or any Anchal article in course of transmission by Anchal or on any pretence opens a mail bag in course of transmission by Anchal, shall be punishable with fine which may extend to two hundred rupees:

Provided that nothing in this Section shall prevent the arrest of an Officer of the Anchal Department carrying the mails or any Anchal article in course of transmission by Anchal, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, or any other law for the time being in force.

Penalty for retaining Anchal articles wrongly delivered or mail bags.

58. Whoever fraudulently retains, or wilfully secretes or makes away with, or keeps or detains, or, when required by an Officer of the Anchal Department, neglects or refuses to deliver up, any Anchal article in course of transmission, which ought to have been delivered to any other person, or a mail bag containing an Anchal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for unlawfully diverting letters.

59. Whoever, not being an Officer of the Anchal Department, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened, any letter which ought to have been delivered, or does any act

whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both :

Provided that nothing in this Section shall apply to a person who does any act to which the Section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

General.

Penalty for abetting or attempting to commit offences under Regulation.

60. Whoever abets the commission of any offence punishable under this Regulation, or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Property in cases of offence to be laid in the Anchal office.

61. In every prosecution for an offence in respect of a mail bag or any Anchal article sent by Anchal, it shall be sufficient, for the purpose of the charge, to describe the mail bag or Anchal article as being the property of the Anchal office, and it shall not be necessary to prove that the mail bag or Anchal article was of any value.

Authority for prosecution under certain Sections of Regulation.

62. No Court shall take cognizance of an offence punishable under any of the provisions of Sections 45, 47, 48 Clauses (*a*) and (*b*), 49, 50, 51, 58, 56 and 57 of this Regulation, unless upon complaint made by order of, or under authority from, the Anchal Superintendent.

CHAPTER X.

Supplemental.

General power to make Rules and provisions as to Rules under Regulation.

63. (1) In addition to the powers hereinbefore conferred, Our Government may make Rules to carry out any of the purposes and objects of this Regulation.

(2) In making any Rule under this Regulation, Our Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(3) All Rules made by Our Government under this Regulation shall be published in the Government Gazette, and on such publication shall have effect as if enacted by this Regulation.

(4) Such of the Anchal Rules as are in force on the passing of this Regulation and are not contrary or prejudicial to any of the provisions of this Regulation, shall be considered as passed under this Regulation.

Delegation of powers other than Rule-making powers to Anchal Superintendent.

64. Our Government may, by Notification in the Government Gazette, authorise, either absolutely or subject to conditions, the Anchal Superintendent to exercise any of the powers conferred upon the Government by this Regulation, other than a power to make Rules.

SCHEDULE OF ANCHAL RATES. (a)

(See Section 8.)

	Rs	Chs.	C.	Rs.	As.	Ps.
Anchal cards	...	...	6	...	...	2 10/19
Letters.						
For a weight not exceeding one tola	...	...	12	...	...	5 1/19
For a weight exceeding one tola and not exceeding five tolas	...	1	8	...	...	10 2/19
For every five tolas or fraction thereof exceeding five tolas	...	1	8	...	...	10 2/19
Book, Pattern and Sample Packets.						
For a weight not exceeding ten tolas	...	...	12	...	...	5 1/19
For every ten tolas or fraction thereof exceeding ten tolas	...	...	12	...	...	5 1/19
(Note.—Book packets—maximum 400 tolas. Pattern and sample packets—maximum 40 tolas.)						
Newspapers.						
For a weight not exceeding eight tolas	...	...	6	...	...	2 10/19
For a weight exceeding eight tolas and not exceeding forty tolas	...	...	12	...	...	5 1/19
For every forty tolas or fraction thereof exceeding forty tolas	...	...	12	...	...	5 1/19

(a) Substituted, with effect from the first day of Kanni 1097, by Regulation IX of 1096.

Parcels.

	Rs.	Chs.	C.	Rs.	As.	Ps.
For a weight not exceeding twenty tolas	...	3	...	...	1	8 4/19
For a weight exceeding twenty tolas and not exceeding forty tolas	...	4	8	...	2	6 6/19
For every forty tolas or fraction thereof exceeding forty tolas	...	4	8	...	2	6 6/19

(Note.—Parcels—maximum 600 tolas.)

Registration.

	Rs.	Chs.	C.	Rs.	As.	Ps.
On all articles	...	3	...	...	1	8 4/19
Acknowledgment	...	1	...	...	...	6 14/19

Hundis.

	Rs.	Chs.	C.	Rs.	As.	Ps.
For an amount not exceeding five British rupees	...	1	8	...	...	10 2/19
For an amount exceeding five British rupees and not exceeding ten British rupees	...	3	...	...	1	8 4/19
For an amount exceeding ten British rupees and not exceeding fifteen British rupees	...	4	8	...	2	6
For an amount exceeding fifteen British rupees and not exceeding twenty-five British rupees	...	6	...	...	3	4 8/19

(Note.—Maximum amount of an order—British rupees five hundred.)

ANCHAL RULES.

CONTENTS.

			Rules.
Part	I.	Rates of Postage	1–2
,,	II.	Main conditions of transmission by Anchal of Anchal articles	3–33
,,	III.	Registration of Anchal articles ...	34–43
,,	IV.	Insurance of Anchal articles ...	44–54
,,	V.	Value-payable Anchal articles ...	55–74
,,	VI.	Hundi or Money Order	75–103

Part VII.	Service Anchal articles	104–112
" VIII.	Detention and Disposal of undelivered Anchal articles	113–123
" IX.	General Rules	124–140

Rules under the Anchal Regulation, IX of 1089.

(No. S. R. 405 dated 5th February 1919.) (a)

[As amended.]

In exercise of the powers conferred by the Travancore Anchal Regulation, IX of 1089, and in supersession of all previous Rules and Notifications on the subject, the following Rules and Orders are issued with the sanction of His Highness the Maha Raja, under date the 9th January 1919 :—

PART I.

Rates of Postage.

1. [The following rates of postage shall be chargeable on Anchal articles where the postage is prepaid :—

Letters.

For a letter not exceeding one tola in weight	Ten Cash.
For a letter exceeding one tola but not exceeding five tolas in weight ...	One and a quarter chuckrams.
For every additional five tolas or part of that weight ...	Do.

Anchal cards.

For a single Anchal card ...	Five Cash.

Book, Pattern and Sample packets.

For every ten tolas or part of that weight	Ten cash.

NOTE.—The maximum weight allowed for book packets is 400 tolas and for pattern and sample packets 40 tolas.

Registered Newspapers.

For a newspaper or periodical not exceeding 8 tolas in weight	Six Cash.
Do. exceeding 8 tolas but not exceeding 40 tolas in weight ...	Twelve Cash.

(a) *T. G. G., dated 11-2-1919, Pt. I, Pp. 187-214.*

The Rules came into force from the 14th March 1919, under Govt. Notifn. No. S. R. 492 dated 15th February 1919.—*T. G. G., dated 18-2-1919, Pt. I, P. 238.*

For every additional 40 tolas or part of that weight......	Twelve Cash.

Parcels.

Not exceeding 20 tolas	Three Chuckrams.
Exceeding 20 tolas but not exceeding 40 tolas in weight ...	Four and a half Chuckrams.
For every additional 40 tolas or part of that weight......	Do.] (a)

2. The following rates of postage shall be chargeable on the delivery of Anchal articles where the postage is not prepaid or is insufficiently prepaid :—

On an unpaid letter or packet ...	Double the prepaid rate.
On an insufficiently paid letter or packet.	Double the deficiency.

PART II.

Main conditions of transmission by Anchal of Anchal Articles.

Letters.

3. Letters may be transmitted by Anchal with or without prepayment of postage. Unpaid letters, with or without covers, shall be securely closed by the senders, and any such letter posted without having been securely closed shall be forwarded for disposal to the Office of the Anchal Superintendent to be destroyed forthwith in accordance with Rule 122.

Anchal Cards.

4. Single cards of private manufacture may be transmitted by Anchal as Anchal cards :

Provided that—

(a) the postage is prepaid in full by means of adhesive Anchal stamps affixed to them ;

(b) as regards size, they are not more than $5\frac{1}{2}$ by $3\frac{1}{2}$ inches or less than $4\frac{3}{4}$ by 3 inches ; and

(c) as regards substance, they are neither thinner nor more flexible than those issued by the Anchal Office.

5. (1) Whatever is printed on the address-side of the official Anchal cards issued by the Anchal Office is also premissible on the address-side of cards of private manufacture.

(a) Revised by Government Notification Dis. No. 34/S. R., dated 18th January 1921.—*T. G, G.. dated 1-2-1921, Pt. IV, Anchal Dept., P. 16.*

(2) An Anchal card shall not be folded, cut, or otherwise altered, except that the impressed Anchal stamp (if any) may be perforated with initials; nor may an Anchal card be enclosed in a cover of any kind.

(3) The right-hand half of the address-side of an Anchal card is in all cases reserved for the address of the recipient, for the Anchal Stamp necessary for prepayment, which should, so far as possible, be affixed in the upper right-hand corner, and for the Anchal directions "Registered" and "Acknowledgment due"; but the left hand half of the address-side as well as the back, may be used by the sender for the purpose of a written communication, or may be otherwise disposed of, subject to the restrictions mentioned in Clause (4) of this Rule.

NOTE 1.—Although the vertical line drawn on the address-side of the Anchal cards issued by the Anchal office, bearing the portrait of His Highness the Maha Raja on the impressed stamp, does not divide that side into two *equal* parts, the divisions so made shall be taken to represent the "right-hand half of the address-side" and the "left-hand half of the address-side" for the purpose of this Rule.

NOTE 2.—A small space marked off by fine lines or minute dots to indicate the place where the Anchal Stamp should be affixed is allowed on the upper right-hand corner of the address-side of Anchal cards.

(4) Nothing shall be attached to an Anchal card except—

(*a*) stamps in payment of postage and registration fee, or stamp duty;

(*b*) a gummed label (not to exceed 2 inches in length and ¾ inch in width), bearing the name and address of the person to whom the card is sent;

(*c*) a similar label, bearing the name and address of the sender of the card; and

(*d*) engravings, illustrations, drawings, and photographs on very thin paper and completely adherent to the card.

Stamps in payment of stamp duty may be affixed only to the back of the Anchal card. The articles specified in Clauses (*c*) and (*d*) may be affixed either to the back or the left-hand half of the address-side.

6. Should an Anchal card be posted without the postage having been prepaid in full, it shall be forwarded to the office of the Anchal Superintendent to be destroyed forthwith. Should any of the other conditions imposed by Rules 4 and 5 be infringed, the Anchal card shall be treated as a letter.

Book Packets.

7. (1) A book packet may contain any of the following articles :—

(*a*) Newspapers and publications of all kinds; books whether blank or printed; engravings; photographs, drawings, plans, maps,

printed music, and proof sheets with or without the manuscript relating thereto; blank paper, parchment or card-board; and generally, anything on paper, parchment or card-board which is printed, engraved, lithographed, papyrographed or produced by any other mechanical process easy to recognise, except the copying press and the typewriter :

Provided that no card bearing the heading "Anchal card" shall be allowed to be transmitted open by Anchal as a book packet.

(*b*) Business papers, written or drawn wholly or partly by hand, not being of the nature of a letter or having the character of a personal communication, such as deeds, bills of lading, invoices, accounts, proposals and policies of assurance, powers-of-attorney, licenses, statistical returns submitted by or to public Officers in their official capacities and manuscript of all kinds, including manuscript music, not being of the nature of personal correspondence.

(*c*) Written letters of old date which have previously passed through the Anchal and served their original purpose.

(*d*) Documents wholly or partly printed in imitation of type-writing, or reproduced from a manuscript or type-written original by any mechanical process of polygraphy, such as chromography, mimeography, provided that, (i) they are handed in at the Anchal office counter or window, (ii) special attention of the counter or window clerk is drawn to the fact that they are documents of the kind mentioned in this Sub clause, and (iii) at least 20 precisely identical copies are posted at the same time.

(*e*) Circulars, *i. e.*, printed notices and printed letters, provided they contain nothing in writing except (*a*) corrections of press errors, (*b*) the date of despatch and the name and address and description of the sender, and the name of the addressee, and (*c*) the place, date and hour, when the circular is a notice of meeting or appointment, and in the case of a notice of meeting the objects of the meeting.

NOTE.—By "printing" is meant any species of type printing easy to recognise, lithography, hand stamping or any mechanical process ordinarily used to produce a number of identical copies of written matter and easy to recognise.

"Writing" includes typewriting and any mechanical or other process ordinarily used to produce a single document.

(2) With any of the above mentioned articles may be sent anything that is necessary for their safe transmission through the Anchal, such as rollers, etc., and with any of the articles mentioned in Clause (*a*) may be sent any legitimate

binding, mounting, or covering, loose or attached, and anything that ordinarily appertains to such articles, as pens and pencils in the case of a pocket-book, photographs in the case of a photograph-book, and card-plates in the case of visiting cards.

(3) Manuscript for the press shall not be reckoned as having the character of personal correspondence within the meaning of Clause (*b*), and may be sent as a book packet.

8. No communication of the nature of a letter, or having the character of a personal communication, shall be enclosed with, or written upon, the contents of a book packet :

Provided that nothing in this Rule shall be held to prohibit inscriptions or entries stating who the sender is or to whom the articles are to be given, or to prohibit purely complimentary greetings from being entered, in writing or otherwise, on Christmas, New Year and Birthday cards and similar articles.

9. A book packet shall not contain "paper-money," which for the purposes of this Rule includes unobliterated Anchal or other stamps, currency notes, hundis, cheques, bank-notes, bank-post bills, bills of exchange, and all orders or authorities for the payment of money.

Explanation.—This Rule shall not apply to a book packet containing a stamped and addressed envelope, or Anchal card, forwarded by the sender of the packet in order that such envelope or card may be returned through the Anchal to the sender or sent to some other person designated by him.

10. The dimensions of a book packet, which may be of any shape, shall not exceed two feet in length by one foot in width and one foot in depth. When, however, the packet is in the form of a roll, the length shall not exceed thirty inches.

Provided that, if the length exceeds twenty-four inches (two feet), the diameter shall not exceed four inches.

11. A book packet shall be posted without a cover, or in an unfastened envelope or in a cover which can be easily removed for the purpose of examination without breaking any seal or tearing any paper or separating any adhering surfaces. A packet posted without a cover may not be fastened or otherwise treated so as to prevent easy examination.

12. If a book packet is found to contain anything not permitted by the Rules, or to be in excess of the prescribed size, or to be packed in a manner not in accordance with the Rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any Anchal stamps that may be affixed to it shall, however, be recognised in assessing the charge.

13 In cases where the transmission or delivery of letters would be delayed were the whole mail indiscriminately dealt with, book packets (other than newspapers) will be kept back in the office of posting for a period not exceeding one day, and the office of delivery till the next delivery.

Pattern Packets.

14. (1) A pattern packet may contain *bona fide* trade patterns or samples of merchandise not having any saleable value, together with, or without, any matter which may be sent as a book packet. There shall be no writing upon or in a pattern packet, except the name and address of the sender, the name and address of the person for whom it is intended, a trade mark, numbers, prices, and indications as to the weight, size or quantity to be disposed of.

(2) Objects of natural history, dried or preserved animals and plants, geological specimens and other similar objects shall also be admitted to transmission by Anchal, at the rates of postage for pattern packets, provided that they are not sent for a commercial purpose, and that they are packed in the manner prescribed for pattern packets generally.

15. The dimensions of a pattern packet shall not exceed two feet in length by one foot in width and one foot in depth.

16. (1) A pattern packet shall be posted without a cover or with a cover open at both ends, or in an unfastened envelope or other cover which can be easily removed so as to admit of a ready examination of the contents.

(2) Samples of seeds, drugs and other articles which cannot be sent in unfastened or removable envelopes may be sent enclosed in boxes or bags, provided that they are fastened in such a way that they can be easily opened; they may also be sent in air-tight cases when necessary, provided that the nature of the contents is certified on the cover under the full signature and address of the sender. For the purpose of this certificate, an impression of the business stamp of a firm may be accepted in the place of the signature of the sender.

(3) Articles of glass shall be securely packed (in boxes of metal, wood, leather or card-board) in such a way as to prevent all risk of injury to the mails or to the Officers of the Anchal Office.

(4) Liquids, oils and fatty substances easily liquefied shall be enclosed in glass bottles hermetically sealed. Each bottle shall be placed in a wooden box furnished with saw-dust, cotton or some spongy material in sufficient quantity to absorb the liquid in case the bottle be broken. Finally the box itself shall be enclosed in a case of metal, or of wood with a screw top, or of strong and thick leather.

Explanation.—When use is made of perforated wooden blocks of the thickness of at least 1/10th of an inch in the weakest part, with a sufficient quantity of absorbent material inside and provided with a cover, the blocks need not be enclosed in a second case.

(5) Fatty substances which are not easily liquefied, such as ointments, soft soaps, resins, etc., shall be enclosed in an inner cover (box, bag of linen or parchment, etc.,) which shall itself be placed in a second box of wood, metal or strong and thick leather.

(6) Dry powders, whether dyes or not, shall be placed in card-board boxes which themselves shall be enclosed in a bag of linen or parchment.

17. (1) If a pattern packet is found to contain anything not permitted by the Rules, or to be in excess of the prescribed size or weight, or to be packed in a manner not in accordance with the Rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any Anchal stamps that may be affixed to it shall, however, be recognised in assessing the charge.

(2) If a packet containing samples of any of the articles mentioned in Clauses 3 to 6 of Rule 16 is not packed in the manner prescribed therein, it shall not be forwarded.

18. In cases where the transmission or delivery of letters would be delayed, were the whole mail indiscriminately dealt with, pattern packets may be kept back in the office of posting for a period not exceeding one day and in the Office of delivery till the next delivery.

Registered Newspapers.

19. (1) Newspapers, as defined in Section 10 of the Travancore Anchal Regulation, shall be transmitted by Anchal as registered newspapers, provided that they are posted in accordance with the following conditions :—

(*a*) The newspaper shall be registered in the office of the Anchal Superintendent. Such registration shall cease to have effect at the close of the Malabar year in which it was effected, and must be renewed if a continuance of the privilege conferred by the system beyond that time is desired. [* *] (*a*)

(*b*) The postage shall be prepaid in stamps.

(*c*) The newspaper shall bear in print immediately above the address the word " Registered " followed by the registration number which shall be assigned to it by the Anchal Superintendent.

(*d*) The newspaper shall be posted at the place of publication by the Proprietor, Manager or Publisher.

(*e*) The newspaper shall be posted in a short cover open at both ends.

(*a*) The provision that the application for registration shall be accompanied by a fee of one rupee in Anchal stamps, was deleted by Govt. Notifn. No. S. R. 1877 dated 5th July 1919.— *T. G. G., dated 8-7-1919, Pt. I, P. 831.*

(*f*) There shall be no word printed on the newspaper after its publication or upon the cover thereof, nor shall any writing or mark be made upon it or upon the cover thereof, except the name and address of the person to whom it is sent and, if desired, the name and address of the newspaper or of the sender.

(*g*) There shall be no paper or thing enclosed in or with any such newspaper other than an extra or supplement as specified in Section 10 of the Anchal Regulation.

(2) Nothing in this Rule shall be held to prevent newspapers being transmitted by Anchal, either singly or otherwise, at the rates and under the conditions prescribed for book packets.

Parcels.

20. A parcel may contain one (but shall not contain more than one) written communication of the nature of a letter, or having the character of a personal communication :

Provided that the communication shall be addressed only to the addressee of the parcel itself.

21. A parcel shall not exceed 600 tolas in weight and it shall not be of a kind which, owing to size, shape, manner of packing or any other cause, cannot be carried by Anchal without serious inconvenience or risk. [But the maximum weight of those that are sent for the High Ranges between Kumili and Devicolam shall only be 500 tolas.] (*a*)

22. (1) A parcel shall be packed and enclosed in a reasonably strong case, wrapper, or cover, fastened in a manner calculated to preserve the contents from loss or damage in the Anchal, to prevent any tampering therewith and to protect other Anchal articles from being damaged in any way thereby.

(2) Liquids and substances which liquefy easily shall be despatched in a double receptacle. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (which shall be a box of metal or of strong wood) some space shall be left to be filled with saw-dust, bran, or some other absorbing material.

23. Human and other viscera may be transmitted by Anchal to Chemical Examiners for analysis subject to the following conditions :—

(*a*) The suspected viscous or other material to be sent for examination shall be enclosed in a glass bottle or jar fitted with a stopper or sound cork.

(*a*) Added by Govt. Notifn. R. Dis. No. 562/Devt., dated 17th March 1925.—*T. G. G., dated 24-3-1925, Pt, IV, Anchal Dept. P 46.*

(*b*) Great care shall be taken that the stopper or cork of the bottle fits tightly. This precaution is specially necessary when alcohol is used as a preservative; in such cases a ring of bee's wax or candle wax shall be placed round the lip of the bottle so as to cover the shoulder of the stopper. The stopper shall be carefully fastened down with bladder or leather and sealed.

(*c*) The glass bottle or jar shall then be placed in a strong wooden or tin box, which shall be large enough to allow of a layer of raw cotton at least three-fourths of an inch thick, placed between the bottle or jar and the box.

(*d*) The box itself shall be encased in cloth which shall be securely closed and sealed. The seals shall be at intervals not exceeding three inches along each seam. All the seals shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

24. The postage on a parcel, and also the registration fee, if the parcel is to be registered, shall be prepaid fully by means of Anchal stamps which shall be affixed to the cover of the parcel. The sender or his messenger shall affix the stamps himself, Anchal Officials being strictly forbidden to affix them. If the sender does not do this himself, he is recommended to see it done in his presence before he leaves the Anchal office.

25. Every parcel intended for transmission by Anchal shall be presented at the window of the Anchal office. Any parcel found in a letter-box shall be treated and charged as a registered parcel.

26. If a parcel containing any of the articles mentioned in Clause 2 of Rule 22 is not packed in the manner prescribed therein, it shall not be forwarded.

27. In cases where the transmission of letters would be delayed, were the whole mail indiscriminately dealt with, parcels may be kept back till the next despatch.

Prohibited Articles.

28. The transmission by Anchal of the undermentioned articles is prohibited :—

(i) Anything that is contraband or anything on which duty is owing to Government.

(ii) Opium, otherwise than on Government account, all alkaloids of opium, bhang, ganja, sidhoo or other preparations of hemp.

(iii) Arms, ammunition or military stores.

29. In any case in which an Anchal Master has good reason to suspect that the contents of any Anchal article are likely to injure the mails or harm the person of any one engaged in the Anchal service, he is directed to detain the suspected article and to refer the case at once for the orders of the Anchal Superintendent.

30. In any case in which an Anchal Master has good reason to suspect that the contents of any Anchal article are contraband or liable to duty, he will forward it to the office of destination marked "Doubtful" and the Anchal Master at the office of destination will open such articles in the presence of the addressee or his agent to whom a notice in writing should be given.

[30-A.—In any case in which an Anchal Master in Travancore has good reason to suspect that opium or ganja or any intoxicating drug forms the whole or any portion of the contents of any Anchal article or parcel addressed to any person in Travancore or the Cochin State, he shall, if his office is the office of despatch, of the article, detain it and not, return it marked "suspicious" to the Anchal Master at the office of despatch. In either case, the Anchal Master at the office of despatch shall immediately report the fact to the Anchal Inspector having jurisdiction over him and the Anchal Inspector shall then go to the Anchal office and open the suspected article or parcel in the presence of the sender or his agent to whom a notice in writing shall be given. A *mahazar* should be prepared about the condition and contents of the article or parcel. If the sender or his agent fails to be present at the appointed time or if their presence could not be procured, the suspected article or parcel shall be opened and examined in the presence of two respectable witnesses whose attestation shall be obtained in the mahazar. If the article or parcel contains any opium or ganja or intoxicating drugs, the Anchal Inspector shall forward it to the nearest Excise Inspector for further action under the Abkari or Opium Regulation. If the article or parcel does not contain any opium or ganja or intoxicating drug, it shall be forwarded to the addressee. If the presence of the Anchal Inspector cannot be procured within 24 hours of the detention or receipt of the suspicious parcel at the office of despatch, the Anchal Master shall communicate with the Excise Inspector of the Range within whose jurisdiction the Anchal office is situate and the Excise Inspector shall go to the Anchal office and open the article or parcel and examine the same and take further steps, in the manner prescribed above.

If the presence of the Excise Inspector also cannot be procured within 24 hours of the detention or receipt of the suspicious parcel or article at the office of despatch, the Anchal Master shall retain the article or parcel until the arrival of the Anchal Inspector or Excise Inspector who shall on receipt of information from the Anchal Master proceed without delay to the Anchal office to open the suspected parcel or article.] (a)

(a) Added by Govt. Notifn. R. Dis. 363 dated 14th February 1922.—*T. G. G., dated 21-2-1922, Pt. IV, Anchal Dept. P. 13.*

31. If any Anchal article manifestly contains obscene printing, photographs, etc., or if it should be observed that any letter, card or other Anchal article has upon it any words, marks or designs of an indecent, obscene, seditious, scurrilous threatening, or grossly offensive nature, such articles shall be forwarded to the office of the Anchal Superintendent, to be destroyed forthwith under his authority.

Redirection of Anchal Articles.

32. (1) An Anchal article redirected to any place served by the Anchal by an Officer of the Anchal office or by an agent of the addressee after its delivery shall be transmitted by Anchal free of charge in respect of such further transmission :

Provided that—

(*a*) in the case of an unregistered article redirected by an agent of the addressee,—the article has not been opened and has been either returned to the Anchal peon or re-posted at the place of delivery ; and

(*b*) in the case of a registered article redirected by an agent of the addressee,—the article has not been opened and has been returned to the Anchal peon at the place of delivery, with the receipt unsigned.

(2) Where an Anchal article is redirected to anv place under the first paragraph of this Rule, the Anchal Master at such place may, if authorised by a general or special order in this behalf issued by the Anchal Superintendent, require the addressee of the redirected article to give, at the time of delivery, a receipt for such article.

33. An Anchal article redirected after having been opened at any place other than the place at which it was delivered, shall be treated as an Anchal article posted for the first time, and charged with postage accordingly. A registered article of which delivery has been taken can be re-posted only under the conditions prescribed for the posting of registered articles for the first time, except that no fresh charge shall be made on account of postage if the article has not been opened.

PART III.

Registration of Anchal Articles.

34. Letters, Anchal cards, book and pattern packets, and parcels may be registered at any Anchal office for transmission by Anchal to any other Anchal office.

35. In addition to the postage, a fee of 3 Chuckrams shall be charged for the registration of any Anchal article.

36. The prepayment of postage and the registration fee shall be compulsory in the case of all registered articles, and shall be made by means of Anchal stamps affixed to the articles.

37. An article intended for registration shall be presented at the window of the Anchal office. No such article shall be accepted for registration if it is so small or so covered with writing or sealing-wax on the address side or otherwise made up in such a manner as to render it impracticable to affix to the article the official labels that may be prescribed.

Explanation.—This Rule shall not apply to an article which has an address label tied to it, provided that the label is not so small or so covered with writing on the address side as to render it impracticable to affix to that side the official labels that may be prescribed.

NOTE.—The sender of a registered article is recommended to write his name and address on the cover in the lower left-hand corner, so that the Anchal article, in case of non-delivery, may be returned to him unopened and without delay.

38. A receipt shall be given to the person who presents an article for registration at the Anchal office window during the hours prescribed for registering articles.

39. No registered article shall be delivered to the addressee unless and until he or his agent has signed a receipt for it in such form as may be prescribed.

40. The sender of a registered article shall be entitled to obtain an acknowledgment of its delivery, signed by the addressee, by paying a fee of [one] (a) Chuckram, in addition to the postage and registration fee, at the time of posting the article. The fee for a special acknowledgment shall be paid by means of Anchal stamps affixed to the article.

41. The sender of a registered article may obtain an attested copy of the original receipt signed by the addressee on payment of a special fee of 2 Chuckrams in stamps.

[NOTE.—Complaints about non-delivery of registered articles will be attended to only on payment of the fee required for an acknowledgment receipt, *viz.*, one Chuckram or on production of a letter from the addressee that he did not get the registered article.] (b)

(a) Raised from half a Chuckram by Government Notification Dis. No. 34/S R., dated 18th January 1921.—*T. G. G., dated 1-2-1921, Pt. IV, Anchal Dept., P. 16.*

(b) Added by Govt. Notifn. No. S. R. 1450 dated 12th May 1919.—*T. G. G. dated 20-5-1919, Pt. I, P. 628.*

Modified by Notifn. No. 34 S. R., dated 18—1—1921.

[41-A —*Compensation.* (1) The Anchal Superintendent may grant to the sender or at his request to the addressee, *solely as an act of grace and not in consequence of any legal liability*, compensation up to a limit of Rs. 25 for the loss of any letter, packet or parcel or its contents or for any damage caused to it in course of transmission by Anchal, subject to the following conditions :—

(*a*) That the application for compensation shall have been made within three months of the date of posting of the article in the case of loss of the article and within one month of the date of delivery of the article in the case of loss of contents or damage.

(*b*) That the amount of compensation payable shall not exceed the actual value of the article lost or the amount or damage caused and that such amount can be referred directly to some loss or damage.

(*c*) That no claim for loss or damage could be advanced with respect to any registered article addressed to, or received from, any Anchal office outside Travancore.

(*d*) That the decision of the Anchal Superintendent on all questions of compensation shall be final.

(2) No compensation will be given in the following cases :—

(*a*) For loss or damage in cases in which this has been caused by the fault or negligence of the sender or in which the contents of the registered article were articles which are not allowed to be sent by Anchal.

(*b*) For damage in cases in which the contents of the registered article are liquids or perishable articles or articles of an exceptionally fragile nature.] (*a*)

[(*c*) No compensation will be given in cases in which the registered article contained anything the insurance of which is compulsory.] (*b*)

42. Registration shall be compulsory in the case of—

(i) any insured parcel,

(ii) any article containing a currency note or any portion of a currency note,

(iii) any article containing Anchal or other stamps or labels or a cheque, hundi, hundi advice, bank-note, bank-post-bill, bill of exchange, or other valuable

(*a*) Added by Govt. Notifn. C. No. 54/Devt dated 7th March 1922.—*T. G. G., dated 14-3-1922, Pt. IV, Anchal Dept., P. 22.*

(*b*) Added by Govt. Notifn. R. Dis. No. 2345/Devt., dated 22nd December 1923.—*T. G. G., dated 1-1-1924, Pt. IV, Anchal Dept., P. 39.*

enclosures, if the contents are either superscribed upon the cover or are known or manifest to the Officer of the Anchal office owing to the transparency, insecurity or insufficiency of the cover or to any other cause,

(iv) any article bearing the word "Registered" or any other word, phrase or mark to the like effect written or impressed on the cover,

(v) any registered article which is re-posted after having been delivered.

Exception.—Nothing in this Rule shall be held to render registration of a packet compulsory only by reason that it contains a stamped envelope or Anchal card as provided by the Explanation to Rule 9.

43. Twice the fee for registration shall be levied on the delivery of any Anchal article required under this Rule to be registered on which the fee for registration has not been prepaid.

PART IV.

Insurance of Anchal Articles.

44. Registered letters, value-payable registered letters, registered parcels and value-payable registered parcels may be insured up to the value of Rs. 100 at such Anchal offices as may be authorised by the Anchal Superintendent to accept articles for insurance :

Provided that in no case shall such value exceed the real value of the contents of the article insured.

45. In addition to the postage and the fee for registration, the following further fees shall be charged for insurance :—

Where the value insured does not exceed Rs. 50	...	Chuckram 1.
For every additional Rs. 50 or fraction thereof	...	Chuckram 1.

46. The pre-payment of all charges on insured articles, namely, postage, registration fees and insurance fees, shall be compulsory. Payment in all cases shall be made by means of Anchal stamps affixed to the articles.

47. (1). Every letter tendered for insurance must be enclosed in a strong cover which must be securely fastened and sealed with fine wax bearing a private mark, in such a way that it cannot be opened without either breaking the seals or leaving obvious traces of violation. Envelopes with black or coloured borders must not be used. Seals must be placed over each flap or seam of the cover; and if the cover is tied round with string or tape, a seal must be placed on the ends where they are tied.

(2) Every parcel tendered for insurance must be packed carefully nd substantially, with due regard to the nature of the contents and the length of

the journey, and must be sealed with wax or lead, bearing a private mark in such a way that it cannot be opened without either breaking the seal or leaving obvious traces of violation. Seals must be placed over each joint or loose flap of the covering of a parcel; and, if string be used in packing, a seal must be placed on the ends of the string where they are tied. If a parcel contains gold or silver bullion or coins, it must be packed in a stout wooden case with an outer covering of cloth or stout paper.

(3) All the seals affixed to an insured Anchal article shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved, or crossed lines.

48. No Anchal article shall be accepted at any Anchal office for insurance if it is so small or so covered with writing or sealing-wax on the address-side, or otherwise made up in such a manner as to render it impracticable to affix to the article the official labels that may be prescribed.

Explanation.—This Rule shall not apply to an article which has an address label tied to it, provided that the label is not so small or so covered with writing on the address-side as to render it impracticable to affix to that side the official labels that may be prescribed.

49. An article intended for insurance shall be presented at the window of the Anchal office with the amount for which the sender wishes it to be insured, clearly written, in words and figures, on the cover. The name and address of the sender shall also be written on the cover in the lower left-hand corner, or on a separate slip of paper, to be presented with the article, should there be no room for his name and address on the cover.

50. A receipt shall be given to the person who presents an article for insurance at the Anchal office window during the hours prescribed for posting insured articles.

51. The sender of an insured article shall be entitled to obtain free of charge an acknowledgment of its delivery signed by the addressee.

52. There shall be payable to the sender of an insured Anchal article compensation not exceeding the amount for which the article has been insured, for the loss of the Anchal article or any of its contents or for any damage caused to it in course of transmission by Anchal:

Provided that the compensation shall in no case exceed the value of the article or any of its contents lost or the amount of the damage caused, and provided that in the case of loss the sender shall furnish full particulars of the contents of the Anchal article and their value:

Provided also, that no compensation shall be payable—

(a) where there has been misdelivery arising out of incorrectness or incompleteness of the address written by the sender ;

(b) where there has been fraud on the part of the sender or addressee ;

(c) where the insured article has been delivered to the addressee and he has signed and returned the receipt therefor ;

(d) where the sender has not given intimation of the loss within three months from the date of posting ;

(e) where the loss or damage was due to improper or insecure packing ;

(f) where there is no visible damage to the cover or seals ; or

(g) in the case of the loss of halves of currency-notes, where the halves which are safe have not been made over to the Anchal office :

(h) in the case of damage arising from the nature of the article insured ; or

(i) where the contents of the insured Anchal article were gold coins or gold bullion of a value exceeding Rs. 300.

53. Compensation shall be payable one month after the date on which intimation of loss is given by the sender to the Anchal office, except in cases in which the Anchal Superintendent may consider that the circumstances demand the withholding of payment pending inquiry.

54. Coin, bullion, precious stones, jewellery, currency notes or any portion thereof and articles of gold or silver may be sent by Anchal only in insured registered letters or insured parcels. If a letter or parcel presented at the Anchal office window is found to contain any such object of value, it shall not be accepted for transmission by Anchal, unless the sender insures it ; and if an uninsured article manifestly containing any such object of value is found in course of transmission by Anchal, it shall be either intercepted and returned to the sender or forwarded to destination and delivered to the addressee subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on the Government.

Explanation.—In this Rule, the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods. The expression "currency notes" does not include defaced notes, *i. e.*, notes from which the signature has been cut off after cancellation, remitted on behalf of the Currency Department of British India.

PART V.

Value-Payable Anchal Articles.

55. Registered parcels, registered letters, registered book packets and registered newspapers may be transmitted by the Anchal office as value-payable Anchal articles, provided that the amount specified for remittance to the sender in the case of any such Anchal articles shall not exceed Rs. 500.

56. Value-payable articles can be posted at any Anchal office that is a Huudi (money order) office for the transmission to another Anchal office that is a Hundi payment office.

57. No such Anchal article as aforesaid shall be accepted at any Anchal office for transmission by Anchal as a value-payable Anchal article unless the sender declares that it is sent in execution of a *bona fide* order received by him. At any Anchal office notified from time to time in this behalf by the Anchal Superintendent, the sender shall, in addition, be required to declare that the article is one the transmission of which by Anchal as a value-payable Anchal article is permitted. No Anchal article as aforesaid shall be accepted at these offices without such further declaration.

Explanation.—An article may be sent by the value-payable Anchal even though it possesses no intrinsic value Thus, legal documents, bonds, policies of insurance, promissory notes, railway goods and parcel receipts, bills-of-lading or ordinary bills for collection may be sent as value-payable Anchal articles. In the case of a railway receipt or bill-of-lading sent as a value-payable Anchal article, it will be sufficient for the purposes of this Rule if the article, to which the railway receipt or bill-of-lading relates, has been sent in execution of a *bona fide* order. In the case of the other documents specified, the document must be sent in execution of a *bona fide* order to send the document itself.

58. Every Anchal article intended to be transmitted by Anchal as a value-payable article shall be presented at the Anchal office with the prescribed printed form obtainable at the Anchal office in which the sender must specify the sum to be remitted to himself and fill in the required entries, and sign the declaration required by Rule 57. The sender of an Anchal article intended to be transmitted by Anchal as value-payable shall write clearly on the face of the article itself—

(*a*) in the upper left-hand corner—the letters "V. P.," followed by an entry, *in figures and words*, of the amount for remittance to himself, and

(*b*) in the lower left-hand corner—his own name and full address.

59. No article shall be accepted at any Anchal office for transmission by Anchal as a value-payable article if it is so small or so covered with writing or

sealing wax on the address-side or otherwise made up in such a manner as to render it impracticable to affix to the article the official labels that may be prescribed.

Explanation.--This Rule shall not apply to an article which has an address-label tied to it, provided that the label is not so small or so covered with writing on the address-side as to render it impracticable to affix to that side the official label that may be prescribed.

60. The amount to be recovered from the addressee shall be the sum specified by the sender for remittance to himself plus, in the case of registered parcels, registered letters and registered book-packets, a fee calculated as in Rule 58. When the amount is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a hundi (money order).

61. If the addressee of a value-payable article cannot be found, or if he refuses it, or if, after a notice of its arrival has been delivered to him, he omits to take delivery of the article within the time specified in the notice, *viz*, [14] (*a*) days, it shall be returned to the sender, who will be required to pay any charges that may be due on it, and to acknowledge receipt of the article by signing the form presented by the Anchal peon.

62. The Anchal Master of the office of delivery may be authorised by the sender of a value-payable article with a written request to deliver such article to the addressee free or to alter the sum originally specified for remittance to himself, provided that such requests are communicated through the office of posting before the article has been delivered to the addressee and that the value-payable article has not been returned to the office of posting when the request of the sender reaches the office of delivery.

63. If a complaint is made by the addressee immediately after the receipt of a value-payable article, that it was sent dishonestly or fraudulently, the Anchal Superintendent may, if satisfied that there are *prima facie* grounds for believing that the value-payable Anchal article was sent with the intention of defrauding the addressee, withhold the payment to the sender of the money recovered from the addressee. If, after making such enquiries as may be necessary, he is fully satisfied that the value-payable Anchal article was sent with this intention, he may order the return of the article to the sender and refund to the addressee the sum of money recovered from him on delivery of the value-payable Anchal article.

64. Whenever the sender or addressee of a value-payable Anchal article makes a complaint regarding the delivery of or payment for the value-payable Anchal article, he shall be entitled to have an enquiry made by the Anchal office

(*a*) Substituted for 21 by Govt. Notifn. Dis. No. 1546 P. W., dated 12th November 1921.-- *T. G. G., dated 15-11-1921, Pt. IV, Anchal Dept., P. 188.*

on paying a fee of one Chuckram. The fee shall be paid by means of an Anchal stamp or stamps affixed to the letter of complaint. This fee shall be refunded in cases where the complaint is found to be well-grounded.

65. The Government shall not incur any liability in respect of the sum specified for remittance to the sender in respect of a value-payable Anchal article unless and until the sum has been recovered from the addressee.

66. Value-payable articles should not be dropped into the letter-box but should be handed over to the Anchal Master or the clerk in charge.

Foreign V. P. 'S.

1. Any Travancore Anchal office where the hundi system is in force, may accept and forward for delivery, value payable articles to any Cochin Anchal office where the hundi system is in force and which is also a delivery office, and similarly any Cochin Anchal office which is a hundi office may accept and forward V. P. articles for delivery to any similar Travancore Anchal office which is also a delivery office.

2. V. P. articles should pass from one State to the other, only through a central office in each State, and the Central offices selected for the purpose of exchanging V. P. articles will be the same offices through which hundis are exchanged by the two States, namely, *Alwaye* in Travancore State, and *Ernakulam* in Cochin State.

3. V. P. articles passing from one State to the other should be closed in a separate bag marked 'V. P. articles' which should be enclosed in the daily mail bag together with a list of the contents.

4. Every V. P. article should be accompanied by a V. P. hundi form, duly filled in by the sender as well as by the Anchal office of posting, according to the Rules in force in each State.

5. The V. P. hundi forms which accompany the V. P. articles posted in Travancore for delivery in Cochin, should be printed in *blue* ink and those that accompany V. P. articles posted in Cochin State for delivery in Travancore should be printed in *light green* ink.

6. The Rules regarding coinage, maximum and minimum amounts, and rates of commission of V. P. hundis issued will be the same as those for ordinary hundis.

7. The commission will be collected from the addressee of the article by the office of delivery, at the rates in force in the State concerned. Such commission will belong to the State levying it.

8. The two Central offices should include in their daily hundi statements now being sent to the Superintendent of Anchal in each State all V. P. hundis

received from and sent to each State. The letters 'V. P.' should be written with the number of each 'V. P. hundi' in the daily statements to distinguish them from ordinary hundis.] (a)

Transmission by Anchal of Railway Receipt-notes open as Value-payable Articles.

67. A railway receipt-note for goods may be transmitted by Anchal open as a value-payable Anchal article :

Provided that—

(a) the goods to which the railway receipt-note relates does not exceed Rs. 500 in value; and

(b) the railway receipt-note shows on its face that the goods to which it relates, have been consigned to the sender himself, is endorsed to the person to whom the goods are to be delivered, and is signed by the sender.

68. The open railway receipt-note shall be presented at the Anchal office with the printed form prescribed for registered value-payable Anchal articles, in which the sender shall specify the sum to be remitted to himself, fill in the required entries and sign the declaration that the article is sent in execution of a *bona fide* order received by him.

69. A fee of 2 chuckrams shall be paid on each railway receipt-note presented for transmission by Anchal open. The fee shall be paid in Anchal stamps, which shall be affixed by the sender to the receipt-note.

70. The Anchal office will transmit the open railway receipt-note to the Anchal office of destination, and will deliver it on payment of the amount recoverable to the person to whom it has been endorsed by the sender, in such manner as may from time to time be prescribed for the delivery of registered value-payable Anchal articles.

71. The amount when recovered will be remitted to the sender in accordance with the Rules for the time being in force relating to registered value-payable Anchal articles.

72. A railway receipt-note for goods may be transmitted by Anchal open under the foregoing Rules, without compliance with the conditions laid down in the second proviso to Rule 67, if it shows on its face that the goods so sent have been declared at the booking office as being sent under the value-payable system.

73. [*Cancelled.*]

(a) Govt. Notifn. No. S. R. 3288 dated 19th August 1920. – *T. G. G., dated 31-8-1920.*

74. Nothing in these Rules shall be construed to prevent the transmission by Anchal of receipt-notes under the Rules for the time being in force relating to the value-payable Anchal generally.

PART VI.

Hundi or Money Order.

(A) *Inland.*

75. All Anchal offices are Hundi offices but those that are distinguished in the list at the end of these Rules do not pay hundis. (a)

76. The amount for which a single hundi may be issued shall not exceed B. Rs. 500.

77. A commission on the issue of inland hundis shall be charged at the following rate, namely :—

[On any sum not exceeding Bh. Rs. 5. ... Chs. $1\frac{1}{4}$

On any sum exceeding Bh. Rs. 5 but not exceeding Rs. 10 Chs. $2\frac{1}{2}$

On any sum exceeding Bh. Rs. 10 but not exceeding Rs. 15 Chs. $3\frac{3}{4}$

On any sum exceeding Bh. Rs. 15 but not exceeding Bh. Rs. 25 Chs. 5

On any sum exceeding Bh. Rs. 25 up to Rs. 500, Chs. 5 for each complete sum of Rs. 25 and Chs. 5 for the remainder, provided that if the remainder does not exceed Rs. 5, the charge for it shall be only Chs. $1\frac{1}{4}$, if it does not exceed Rs. 10, the charge for it shall be only Chs. $2\frac{1}{2}$ and if it does not exceed Rs. 15, the charge for it shall be only Chs. $3\frac{3}{4}$] (b)

78. The remitter of a hundi shall fill in, in ink on a Hundi Form such entries as may from time to time be prescribed. Such particulars may be written in English, Malayalam or Tamil.

79. The Hundi Form duly filled in together with the amount of the hundi and commission shall be presented at the Anchal office window during the prescribed hours.

80. The name and address of the payee shall be entered with such completeness as shall secure identification and prevent risk of wrong payment. If possible, the name of the street and the number of the house in which the payee resides shall also be given. The occupation, rank, trade or profession of the payee and any other particulars calculated to help identification shall be added. The name of only one person shall be entered as payee except in the case of firms and corporations whose usual disignation shall be given.

(a) For list, see the English Almanac and Directory.

(b) Revised by Government Notification Dis. No. 34/S. R., dated 18th January 1921.—*T. G. G., dated 1-2-1921, Pt. IV, Anchal Dept., P. 16.*

81. A receipt shall be given to the remitter for the amount paid by him on account of the hundi and commission.

82. The payment of a hundi shall ordinarily be made at the address of the payee on his signing the hundi and acknowledgment and returning them to the Anchal peon. The coupon shall be retained by the payee.

83. If the amount of a hundi exceeds Bh. Rs. 100, an intimation of its arrival shall be sent by the office of destination to the addressee. Such hundis shall be paid at the Anchal office to the addressee on presentation of the intimation.

84. The hundi and acknowledgment shall be signed by the payee named by the remitter or by some person authorised in writing by the payee on his behalf. The signature shall be written in ink in the space provided for the purpose.

85. If the payee of the hundi resides at a station where there is no hundi payment and the payment cannot be effected in the usual way, a notice of the arrival of the hundi shall be sent to him by the Anchal Master requesting the payee to attend personally or send an agent duly authorised in writing to sign the hundi on his behalf to receive payment of the amount. In either case, the notice issued by the Anchal office should be returned to the Anchal Master.

86. If the remitter or payee of a hundi is illiterate, his mark shall be obtained and shall be verified in such manner as the Anchal Superintendent may direct.

87. A hundi shall be redirected to the payee on his written request free of charge.

88. The remitter of a hundi which has not been paid may require that the address of the payee shall be altered or that the name of the Anchal office at which the order was originally made payable, shall be changed. The required change shall be made without additional charge on the remitter's applying in writing to the Anchal office at which the order was issued and producing the receipt granted for the order.

89. The remitter of a hundi which has not been paid may require that the amount be paid to some person other than the payee named in the order. The required change shall be made on payment of a second commission equal to the first, on the remitter's applying in writing to the Anchal Office at which the hundi was issued and producing the receipt granted for the order.

90. The remitter of a hundi which has not been paid may stop payment and require that the money be repaid to himself. This shall be done without additional charge on the remitter's applying in writing to the Anchal office at which the hundi was issued and producing the receipt and giving full particulars of the

payee's address as entered in the hundi. In no case, however, shall the Anchal office be responsible for liability or failure to stop payment of a hundi in compliance with the remitter's request.

91. If the payee of a hundi cannot be found or if the payee refuses to take payment, the amount of the order shall be returned at once to the remitter free of charge. The commission shall, in no case, be refunded.

92. If payment of a hundi cannot be effected and the amount cannot be repaid to the remitter owing to the latter not being found, the order shall become void and its value shall be credited to Government. But if the payee or remitter or their heirs subsequently apply for payment, the amount of the order will be paid to him or them provided that the application is made before the expiration of one year from the date of issue of the original order.

93. The payment of hundi may be deferred for a period not exceeding a week owing to an exceptional state of Treasury balances or any other special cause.

(B) *Foreign Hundis.*

94. From any Travancore Anchal office where the hundi system is in force a hundi may be issued for payment to any Cochin Anchal office where hundi business is conducted and similarly an Anchal office of the Cochin State which does hundi business, may issue a hundi for payment from a similar Anchal office in the Travancore State, the issues and payments of hundis by the Anchal offices of each State being governed by the Rules in force for the time being in such State.

95. The amount of hundis issued from one State to the other shall be entered in the British coinage. The amount for which a single hundi may be issued from one State to the other shall not exceed British Rs. 500, and shall not include any fraction of an anna. Each State may levy its own rate of commission on the hundi issued by it.

96. For convenience and proper adjustment of accounts, all hundi transactions between the two States will be conducted through an Anchal office in each State to be called "Central office."

97. In Travancore, Alwaye shall be the Central office and in Cochin Ernaculam.

98. All hundis issued from any of the Anchal offices in the Travancore State shall, in the first instance, go to Alwaye Anchal office, from which they will be sent to the Ernakulam Anchal office, which will transmit them to their destinations in the Cochin State.

Note :—A list of the Hundi offices in the Cochin State which are authorised to issue and pay hundis is given at the end of these Rules. (a)

(a) For list, see the English Almanac and Directory.

99. Rules 78, 79, 81 and 86 relating to inland hundis, shall be equally applicable to the issue of foreign hundis.

100. Rules 84, 86, 87, and 91 relating to inland hundis, shall be equally applicable to the payment of foreign hundis.

(C) *Revenue Hundis.*

101. Any tax on land due to Government and cesses and other itmes of land revenue may be remitted by hundis and written on Forms prescribed for the purpose.

102. Hundis in favour of Government Officers in payment of money due to the Government other than land revenue shall be written on forms prescribed for the purpose.

103. Rules 76 to 90 and 93 relating to inland hundis shall apply *mutatis mutandis* to the revenue hundis under Rules 101 and 102.

PART VII.

Service Anchal Articles.

104. Service Anchal articles shall be transmitted by Anchal under the following conditions :—

(a) The rates of postage and conditions of transmission by Anchal hereinbefore prescribed for the different classes of unofficial Anchal articles and the Rules under which such articles may be registered, insured, or sent value-payable, shall be applicable also to Service Anchal articles.

(b) The weight of a service letter which may be sent by letter mail shall not exceed 50 tolas. But service letters of an emergent character, though weighing above 50 tolas, may nevertheless be sent by letter mail up to a maximum of 300 tolas provided that postage is paid at the rates prescribed for the different classes of unofficial articles and the words "Emergent" and "By letter mail" are written on the cover and excess postage paid for.

(c) The weight of a service article other than a letter shall not exceed 600 tolas. But the maximum weight of those that are sent for the High Ranges between Kumili and Devicolam shall only be 500 tolas, owing to the inconvenience of transport.

(d) Service Anchal articles shall bear the superscription "On Sirkar Service" or "On Service" and this shall be supported by the signature and official designation to be entered in the lower left-hand corner of the article (as per specimen Form given

below) of the Officer who sends the article or of the Manager or Head clerk of his office or other responsible Officer to whom the duty of despatching is confided.

	Office of the Trivandrum Division Peishkar.	
		On Sirkar Service.
	To	
	The Tahsildar,	
A. B.	Quilon.	
Division Sheristadar.		

Note:—Service cards should not be franked on the address side but the official designation of the sender should be given in full under his signature on the other side.

Explanation 1.—Service Anchal cards bear the inscription "On Service", printed immediately above the impressed stamp. In their case, therefore, no further superscription shall be required.

Explanation 2.—Anchal Masters may recognise abbreviated designations, provided they are generally known; but no official can claim the recognition of an abbreviation, the Rule being that the designation shall be entered in full.

Explanation 3.—Anchal Masters may recognise *fascimile* impressions of signatures made by means of stamps, but not such impressions when lithographed or otherwise produced. Public Officers who use such stamps shall make arrangements for their proper custody and use; and where there is any reason to suspect the misuse of any such stamp or the absence of proper precautions against its misuse, Anchal Masters may decline to recognise the stamp impression and require strict adherence to the Rule. Printed names shall not be recognised in lieu of signatures except in the case of Official Gazettes in open covers posted in large numbers by the office of publication.

(e) Service stamps affixed to an article which does not bear the prescribed superscriptions supported by the signature and official designation of the sender shall not be recognised by the Anchal office in payment of postage.

(f) The delivery and re-direction of articles superscribed "On Sirkar Service" or "On Service" shall be governed by the official designation (when given) of the addressee.

105. [The postage chargeable on the delivery of Service Anchal articles when the postage is not prepaid or is insufficiently prepaid, shall be as follows :—

On an unpaid letter or packet..........................The prepaid rate.

On an insufficiently paid letter or packet.............The deficiency.] (a).

(a) Substituted by Govt. Notifn. No. S. R. 3718 dated 25th September 1920.—*T. G. G., dated 28-9-1920, Pt. IV, Anchal Dept., P. 70.*

106. Service stamps and cards are not sold in Anchal offices but will be issued from the Sirkar Treasuries on payment, to all Heads of Departments and offices and to such others as are entitled to send articles by Anchal on Sirkar Service, no discount being allowed on such sales.

107. (1) All Government officials except those who are on leave or have retired from the service, shall be entitled to send service Anchal articles on Sirkar Service, provided that the articles transmitted by them are *bona fide* and exclusively on Sirkar Service.

(2) Correspondence sent by an Officer of a Town Improvement Committee, or by an Officer of the Government acting in a capacity connected with a Town Improvement Committee shall not be deemed an official correspondence within the meaning of these Rules and may not be superscribed as "On Sirkar Service." But nothing in this Sub-clause shall be held to prevent the transmission "On Sirkar Service" of correspondence sent by an Officer of the Government acting as such, although the correspondence may relate to the affairs of a Town Improvement Committee.

108. (1) No person shall use any Service stamp for payment of postage on any Anchal article not liable to be sent "On Sirkar Service" nor shall he use any Service card for any private correspondence.

(2) Any person who commits a breach of the Rule in Sub-clause (1) shall be punishable with a fine which may extend to fifty rupees.

109. The postage and other charges (if any) on a Service Anchal article can be properly prepaid only by a proper service stamp or stamps. Where, however, an ordinary Anchal stamp instead of a service stamp is used on a Service Anchal article, the article shall be recognised as a Service Anchal article, by the Anchal office; but the irregularity shall be brought by the Officer in charge of the Anchal office at which the article was so posted, to the notice of the Officer concerned and if, of frequent occurrence, to that of the Anchal Superintendent.

110. Letters, cards, and packets posted by Officers of the Government in their official capacity addressed to private individuals or associations, shall, even when they relate to the private interest and concerns of the individuals or associations addressed, be sent as Service Anchal articles, prepaid by means of Service stamps.

111. The amount of postage marked as due on Anchal articles delivered under the superscriptions of "On Sirkar Service" or "On Service" will be initialled by the Anchal Master of the office of delivery. Government Officers are bound to receive all Service articles addressed to them and to pay any postage which may be charged on them by the Anchal office on account of any irregularity or incompleteness of the address or signature. The addressee of such articles shall, in due course, apply to the official, from whose office the article was despatched, for the

postage paid by him forwarding the cover as a voucher for the amount. The Officer to whom such application has been made shall use his discretion in recovering the postage from the person or persons in fault.

112. The above Rules shall not affect the existing arrangements for the free transmission of letters and other service articles from the Palace and from the Resident and his office and of articles for the use of the Palace, and by the Anchal Department.

Explanation.—The word Palace will include—

1. The Palace,
2. Nithiachilavu,
3. Mathilagom (Sri Padmanabhaswami's Temple),
4. Panivagay,
5. The stables of His Highness the Maha Raja,
6. Sreepadam Palace including the Valia Koil Thampuran, the Kochu Koil Thampuran, Attingal Adhikarom, Edakode, Muttakad Kazhangiam, Kadiapattanam Kazhangiam; Avanipuram Devaswom and the nine sub-institutions thereunder, [(1) Periyaudayar, (2) Avaneeswaram, (3) Veeralom, (4) Keezhattungal, (5) Kodumon, (6) Vanchiyur, (7) Nilamekkunnam, (8) Avanavancherry, (9) Ilampa], Trivandrum Peravagay, Cherayinkil Peravagay, Attingal Koikal and Thonnakkal Choultry.

NOTE.—(1) Covers addressed to the Palace Chellamvagai are also exempted.

[NOTE—(2) The members of the Ruling Family of Cochin as also those of the Cranganore Raja's family are exempted from using service stamps on articles sent by them on "Service."] (a)

PART VIII.

Detention and Disposal of Undelivered Anchal articles.

At the Anchal office.

113. Articles—

(i) which are so illegibly and incompletely addressed as to render delivery impossible, or

(ii) which bear no address at all, or

(iii) with postage not paid or insufficiently paid and intended for places out of Travancore and Cochin,

shall be returned to the Dead Letter Office in the office of the Anchal Superintendent.

114. (1) An undelivered Anchal article, the addressee of which is not known or has left the station of address without intimating his fresh address to the

(a) Added by Government Notification R. 831/Dept., dated 20th April 1922.—*T. G. G., dated 25-4-1922, Pt. IV, Anchal Dept., P. 30.*

Anchal office, shall ordinarily be kept in deposit in the Anchal office to which it is addressed for a period of seven days after all enquiries to find the addressee have proved unsuccessful.

(2) An undelivered Anchal article on which the words "to await arrival" or "to be kept till called for" or similar instructions have been written, shall be kept in the Anchal office to which it is addressed for a period of one month from the date on which it reaches that office.

115. An undelivered Anchal article shall ordinarily not remain in an Anchal office to which it has been redirected after it has been ascertained that the addressee cannot be found.

116. An undelivered telegram which is in course of transmission by Anchal shall be kept in the Anchal office to which it is addressed for a period of seven days from the date on which it reaches that office.

117. An undelivered Anchal article, of which the addressee—

(i) has refused or omitted to take delivery after due notice has been given to him by the Anchal office, or

(ii) is known to have gone away from Travancore or Cochin without leaving instructions at the Anchal office as to the redirection of his correspondence, or

(iii) is dead, and there is no person to whom it could properly be delivered,

shall not be detained in the Anchal office to which it is addressed, but shall at once be sent to the Dead Letter Office in the office of the Anchal Superintendent:

Provided, however, that if the name of the sender is superscribed on the article it shall be returned to the office of posting for delivery to the sender.

118. If the Anchal office of delivery has information that the addressee has gone to British India, and his address is known, the article shall be sent through the British Post.

At the Dead Letter Office in the office of the Anchal Superintendent.

119. (i) Packets containing printed papers, obviously without value, such as trade circulars and price lists, which cannot be disposed of under Section 36 of the Regulation, may be disposed of forthwith by being sold as waste-paper or destroyed.

(ii) Book packets, other than the packets mentioned in Sub-clause (i), newspapers and pattern packets, which cannot be disposed of under Section 36 of the Regulation, shall be detained for a period of three months, on the expiration of which they may be disposed of by being sold or destroyed. Magazines, periodicals and newspapers may, at the option of the Anchal Superintendent, be used for any public purpose.

120 Anchal cards which cannot be disposed of under Section 36 of the Regulation shall be detained for a period of one month, on the expiration of which they may be destroyed by being burnt:

Provided that Anchal cards on which the postage has not been prepaid shall be destroyed forthwith by being burnt.

121. Subject to the provisions of Section 37, Proviso (*b*), of the Regulation, parcels which cannot be disposed of under Section 36 shall be detained for a period of three months on the expiration of which the contents, if of no saleable value, may be destroyed.

122. Letters which cannot be disposed of under Section 36 of the Regulation, shall be dealt with as follows :—

(*a*) Letters containing nothing of intrinsic value shall be detained for a period of—

(i) one month, when they are unregistered, and

(ii) three months, when they are registered:

(*b*) Other letters shall be detained for a period of—

(iii) three months, when the postage is not prepaid or is insufficiently prepaid, and

(iv) six months, when the postage is fully prepaid.

On the expiration of the prescribed period, the letters shall be destroyed by being burnt:

Provided that unpaid letters, which have not been securely closed by the senders, shall be destroyed forwith by being burnt.

Exception.—This Rule shall not apply to articles which are transferred from any British Post Office or Cochin Anchal Office for delivery through the Travancore Anchal. Such article shall be returned to the British Post or the Cochin Dead Letter Office as the case may be.

123. Nothing in these Rules shall prevent the immediate destruction of any Anchal article in exercise of the powers conferred by Section 22, Sub-section (3), of the Regulation.

PART IX.

General Rules.

1. Manner of Prepayment of Postage.

124. Where the postage on an Anchal article is prepaid, the prepayment shall be made by means of a proper stamp or stamps provided for the purpose under the orders of Our Government under Section 15 of the Regulation.

125. The postage on an Anchal article shall not be deemed to be prepaid by means of a proper stamp—

(a) if the stamp is a stamp which has not been provided for use as an Anchal stamp under Section 15 of the Regulation ; or

(b) if the stamp has been obliterated, defaced, torn, cut or otherwise rendered imperfect ; or

(c) if the stamp has upon it any word, letter, figure, or design printed or impressed upon it otherwise than by authority of Our Government before posting ; or

(d) if the stamp has been cut or otherwise separated from an embossed envelope or from an Anchal card or wrapper :

Provided that nothing in this Rule shall prevent the perforation of Anchal stamps with initials, or other identifying marks, traced in minute holes.

2. *Price and Sale of Stamps.*

126. Anchal stamps, envelopes and Anchal cards for the use of the public shall be sold in any quantity, however small, at all Anchal offices at any time the office is open to the public. Embossed envelopes, stamps and Anchal cards are also sold by delivery peons and Railway sorters in vans who are also supplied with hundi and other forms.

127. Anchal stamps, envelopes and Anchal cards of the following values are sold by the Anchal office.

Stamps.—1 cash, 4 cash, 5 cash, 6 cash, $\frac{1}{2}$, 1, $1\frac{1}{4}$, 2, 3, 4, 7 and 14 chuckrams.

Ordinary Envelopes.—10 cash.

Cards.—Single, 5 cash.

3. *Foreign Anchal articles.*

128. All articles posted in the Cochin Anchal offices will be delivered in Travancore and articles posted in Travancore offices will likewise be delivered in Cochin But Cochin stamps shall not be accepted in payment of postage on articles posted in Travancore.

4. *Certificate of Posting.*

129. (1) A certificate of posting may be obtained in respect of any article for which a receipt is not given by the Anchal office subject to the following conditions, namely :

(a) The certificate of posting written in ink shall be presented to the Anchal Master or other Officer on duty at the Anchal office along with the articles to be posted during the hours fixed for the grant of such certificates.

(b) The certificate shall contain an exact copy of the addresses on the articles, to which it relates, and shall have a stamp or stamps affixed thereto in payment of a fee charged as follows :—

(i) In the case of unregistered letters, Anchal cards, book packets (including registered newspapers) and pattern packets posted by the same person at one time—½ Chuckram for every [six] (a) articles of any of these classes, or for any less number.

(ii) In the case of unregistered parcels and book packets posted by the same person at one time—½ Chuckram for every [twelve] (b) articles of either, or both, of these classes, or for any less number.

(2) There shall be a separate certificate for each of these two classes of articles (i) and (ii), headed with the words "Certificate of posting for letters" or "Certificate of posting for parcels," as the case may be, and the actual number of articles in respect of which the certificate is required shall be written in words at the foot of the document.

(3) The Anchal Master or other Officer on duty shall compare the number of the articles presented and the addresses on them with the entries in the certificate and if the latter is correct shall obliterate the Anchal stamps by impressing the date stamp on the certificate. The certificate shall then be returned to the person who presented it.

5. *Late Letters and Late Letter Fees.*

130. Late letters shall mean letters posted after the hour fixed for the closing of a mail, which cannot be forwarded by the mail then being prepared for despatch without the payment of an additional fee.

131. The ordinary late letter fee for Anchal articles other than parcels to be transmitted by the inland or foreign Anchal shall be half a Chuckram for each Anchal article.

132. The late letter fee in respect of registration for articles to be transmitted by the inland or foreign Anchal shall be 1 Chuckram for each Anchal article.

133. Late letters shall be presented at the window of the Anchal office within the hours prescribed for this purpose by the Anchal Superintendent and the postage and late letter fee shall be fully prepaid by means of Anchal stamps.

(a) Substituted for 'three' by Govt. Notifn. Dis. No. 34/S. R., dated 18th January 1921.—*T. G. G., dated 1-2-1921, Pt. IV, Anchal Dept., P. 16.*

(b) Substituted for 'six' by above Notification.

6. *Redelivery to the sender of Anchal articles in course of transmission by Anchal.*

134. Letters, Anchal cards, book and pattern packets and registered articles posted in an Anchal office for delivery within Travancore may be recalled when in course of transmission by Anchal without reference to the consent of the addressee, subject to the following conditions :—

(*a*) No such Anchal article as aforesaid shall be redelivered to the sender except under the orders of the Government or the Anchal Superintendent.

(*b*) A fee of one rupee shall be paid in respect of each Anchal article for the redelivery of which to the sender an application is made.

(*c*) An application for the redelivery to the sender of an Anchal article may be presented in writing to any of the authorities aforesaid, either direct or through any Officer in charge of an Anchal office.

(*d*) An application shall be received only from the sender of the Anchal article or from some person authorised in this behalf by the sender in writing.

(*e*) Every application shall be accompanied by a statement (which may be enclosed in a sealed cover) of the reasons why redelivery is sought. Such sealed cover shall be opened only by the authority to which the application is presented, or, where such authority is the Government, by the Chief Secretary to Government.

(*f*) Upon receiving such application and statement, together with the prescribed fee as aforesaid, the Officer in charge of the Anchal office shall immediately send the same to the Anchal Superintendent through the Anchal Inspector of the Division in which he is serving.

(*g*) If the Anchal article of which redelivery is sought is in his possession, the said Officer shall, instead of forwarding it to the addressee, keep it in deposit, and send the application to the said authority.

(*h*) If the Anchal article is not in his possession, the said Officer shall require the Officer in charge of the Anchal office of address to abstain from delivering it to the addressee or forwarding it to its address, and to keep it in deposit. The requisition to such other Officer may be sent by telegraph, but all expenses attending its transmission shall be borne by the applicant.

(*i*) When the application reaches such an authority as is named in condition (*a*), that authority may order the redelivery to the

sender of the Anchal article upon being satisfied that the applicant is the sender, and that sufficient reasons have been given for the redelivery; otherwise the Anchal article shall be sent at once to its address.

(j) A letter or Anchal card in course of transmission by Anchal shall not be redelivered to any one but the sender or some person authorised in this behalf by the sender in writing.

7. *Complaints against the Anchal office.*

135. Letters containing complaints against the Anchal office and addressed to the Anchal Superintendent [or the Anchal Inspectors] (a) may be transmitted free provided that it is certified on the cover with the full signature and address of the complainant, that they are complaints against the Anchal office.

[NOTE.—But all complaints about wrong payment or non-payment of a hundi in the Anchal Department should be preferred within twelve months of the date of issue of the hundi, after which period no notice will be taken of them.] (b)

8. *Express Anchal.*

136. The fee for the expresses sentthrough the Anchal by the public is [seven Chuckrams] (c) per mile or fraction of a mile during day and [fourteen Chuckrams] (c) during night, *i. e.*, from 6 P. M. to 6 A. M. Letters sent by express should be registered, without which the Anchal office cannot claim a receipt from the addressee.

NOTE.—In calculating the fee, the distance of the mail route to the place of destination should be taken into account.

137. If the person to whom an express has been sent has left the station for another, it will be forwarded to him to the new station by the ordinary mail.

138. If the addressee be not found and if the Anchal office be unable to find out his whereabouts, the letter shall be treated as undelivered. It will be detained at the office of delivery for three weeks and then returned to the sender.

9. *Service Expresses.*

139. Service Expresses can be ordered by the Officers named in the margin. Such expresses shall not be accepted for despatch by Anchal Masters, unless accompanied by written orders duly signed by the Officers named.

Sarvadhikariakar on behalf of H. H. The Maha Raja, Dewan, Chief Secretary to Government, Anchal Superintendent.

NOTE.—Expresses sent by or under orders of the Dewan or the Chief Secretary will be paid for under the usual rates for expresses.

(a) Added by Govt. Notification No: S. R. 1877 dated 5th July 1919.—*T. G. G., dated 8-7-1919, Pt. I, P. 831.*

(b) Added by Govt. Notifn. No. S. R. 2192/187, dated 9th August 1919.—*T. G. G., dated 12-8-1919, Pt. I, P. 955.*

(c) Raised from 'one fanam' and 'two fanams' respectively by Govt. Notifn. Dis. No 34/S. R., dated 18th January 1921.—*T. G. G., dated 1-2-1921, Pt. IV, Anchal Dept. P. 16,*

140. The above Rules regarding expresses do not in any way affect the existing arrangement for the transmission of articles, etc., by periodical expresses, for the use of the Palace.

REGULATION X OF 1089.

THE CO-OPERATIVE SOCIETIES REGULATION.

CONTENTS.

Preamble.

Preliminary.

Sections.

1.	Short title and extent	1
2.	Definitions	2
	(a) "Bye-laws."	
	(b) "Committee."	
	(c) "Member."	
	(d) "Officer."	
	(e) "Registered Society."	
	(f) "Registrar."	
	(g) "Rules."	

Registration.

3.	The Registrar	3
4.	Societies which may be registered	4
5.	Restrictions on interest of member of society with limited liability and a share capital ...	5
6.	Conditions of registration	6
7.	Power of Registrar to decide certain questions ...	7
8.	Application for registration	8
9.	Registration	9
10.	Evidence of registration	10
11.	Amendment of the bye-laws of a registered society ...	11

Rights and Liabilities of Members.

12.	Member not to exercise rights till due payment made ...	12

The figures on the right refer to the corresponding Sections of the British Indian Co-operative Societies Act II of 1912.

Sections.

13. Votes of members 13
14. Restrictions on transfer of share or interest ... 14

Duties of Registered Societies.

15. Address of societies 15
16. Copy of Regulation, Rules and bye-laws to be open to inspection 16
17. Audit 17

Privileges of Registered Societies.

18. Societies to be bodies corporate 18
19. Prior claim of society 19
20. Charge and set-off in respect of shares or interest of member 20
21. Shares or interest not liable to attachment ... 21
22. Transfer of interest on death of member... ... 22
23. Liability of past member 23
24. Liability of the estates of deceased members ... 24
25. Register of members 25
26. Proof of entries in societies' books 26
27. Exemption from compulsory registration of instruments relating to shares and debentures of registered society 27
28. Power to exempt from stamp duty and registration fees 28

Property and Funds of Registered Societies

29. Restrictions on loans 29
30. Restrictions on borrowing 30
31. Restrictions on other transactions with non-members ... 31
32. Investment of funds 32
33. Funds not to be divided by way of profit ... 33

Inspection of Affairs.

34. Inquiry by Registrar 35
35. Inspection of books of indebted society 36
36. Costs of inquiry 37
37. Recovery of costs 38

Dissolution of Society.

38. Dissolution 39
39. Cancellation of registration of society 40
40. Effect of cancellation of registration 41
41. Winding-up 42

Rules.

42. Rules 43

Miscellaneous.

Sections.

43. Recovery of sums due to Government 44
44. Power to exempt societies from conditions as to registration 45
45. Power to exempt registered societies from provisions of the Regulation 46
46. Prohibition of the use of the word "co-operative" ... 47
47. Regulation I of 1063 not to apply 48

A Regulation relating to Co-operative Societies

Passed by His Highness the Maha Raja of Travancore, on the 4th April 1914 corresponding with the 22nd Meenom 1089, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to facilitate the formation of Co-operative Societies for the promotion of thrift and self-help among agriculturists, artisans and persons of limited means, and, for that purpose, to provide for the constitution and control of Co-operative Societies; It is hereby enacted as follows:—

Regn. X of 1089 : I. *Objects and Reasons.*—With reference to the grievances urged in a representation, made at the Seventh Session of the Sri Mulam Popular Assembly, on the working of Joint Stock Companies, the Government issued a G. O., No. J. 35, dated 7th December 1911, in which they observed as follows :—

"2. The Acting Registrar of Joint Stock Companies observes that the unsatisfactory working of some of the Companies is due to the unsound principles upon which they are started, as also to the unscrupulous action of the individuals concerned in the incorporation or management. His Highness' Government are not in a position to say definitely what exactly has been the cause of the failure of some of the Companies, as, under the law, the Government cannot, on their own motion, interfere in the internal management of a Company, or order an examination of its accounts. The Regulation in force in Travancore is the Companies Act (VI of 1882) of British India. The Government do not consider that it is expedient to amend the Regulation, so as to give the Registrar powers of administrative control and supervision over Companies generally. Probably the British Indian Co-operative Credit Societies Act, X of 1904, will be found more useful in Travancore than the Indian Companies Act has been found to have been. The former confers adequate powers of supervision on the Registrar appointed thereunder, so that mismanagement could be easily detected and effectually punished. Action will be taken in the Legislative Department in view to a law being enacted on the lines of the British Indian Act X of 1904."— *T. G. G., dated 9-1-1912.*

(2) As Act X of 1904 had been superseded by Act II of 1912, a Bill was prepared on the model of the later Act.— *S. O & R.*

(3) The Act of 1912 converted the title of the Act from 'Co-operative Credit Societies

Preliminary.

Short title and extent.

1. (1) This Regulation may be called "The Co-operative Societies Regulation"; and

(2) It extends to the whole of Travancore.

Definitions.

2. In this Regulation, unless there in anything repugnant in the subject or context,—

(*a*) "Bye-laws" means the registered bye-laws for the time being in force and includes a registered amendment of the bye-laws ;

(*b*) "Committee" means the governing body of a registered society to whom the management of its affairs is entrusted ;

(*c*) "Member" includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the bye-laws or any Rules ;

(*d*) "Officer" includes a chairman, secretary, treasurer, member of committee, or other person empowered under the Rules or bye-laws to give directions in regard to the business of the society ;

(*e*) "Registered Society" means a society registered under this Regulation ;

(*f*) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Regulation ; and

(*g*) "Rules" means Rules made under this Regulation.

Act' to 'Co-operative Societies Act'. The reason for the change was thus explained:—"The Act of 1904 applies to Societies for the purpose of co-operative credit only and not Co-operative Societies of other kinds, such as those established for production or distribution. It has in practice been found that the establishment of Credit Societies has led to the founding of other classes of Co-operative Societies also, and it is advisable that the privileges extended by the Act to Co-operative Credit Societies should be extended to these other Societies. It is proposed, therefore, that the Act as now revised should be made applicable to all classes of Co-operative Societies".

II. The Bill was published in the Gazette dated 9-7-1912, and was introduced in the Council and referred to a Select Committee at the meeting held on 17-10-1912 (*T. G. G., dated 22-10-1912*). The Committee's Report was published on 5-8-1913, and was considered by the Council on 5-9-1913 (*T. G. G., dated 30-9-1913*). The Bill was finally read and passed on 3-3-1914 (*T. G. G. dated 24-3-1914*). The Regulation was published in the Gazette dated 7-4-1914.

Registration.

3. Our Government may appoint a person to be Registrar of Co-operative Societies for the State or any portion of it, and may appoint persons to assist such Registrar, and may, by general or special order, confer on any such persons all or any of the powers of a Registrar under this Regulation.

The Registrar.

4. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Regulation, with or without limited liability :

Societies which may be registered.

Provided that, unless Our Government, by general or special, order, otherwise direct,—

(1) the liability of a society, of which a registered society is a member, shall be limited ;

(2) the liability of a society, of which the object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists, and of which no member is a registered society, shall be unlimited.

5. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

Restrictions on interest of member of society with limited liability and a share capital.

(a) hold more than such portion of the share capital of the society as may be prescribed by the Rules, subject to a maximum of one-fifth ; or

(b) have or claim any interest in the shares of the society exceeding one thousand rupees.

6. (1) No society, other than a society of which a registered society is a member, shall be registered under this Regulation, which does not consist of at least seven persons above the age of eighteen years, and, where the

Conditions of registration.

Sec. 6: This reproduces Sec. 6 of the Indian Act with the difference that, under the Act, no society shall be registered which does not consist of at least *ten persons* above the age of eighteen years. The Select Committee altered ten into seven and made similar alterations in subsequent Sections where the same word occured. They said :—"As this is at present an experimental measure and as the institution is new to Travancore,

object of the society is the creation of funds to be lent to its members, unless such persons—

(a) reside in the same town or village or in the same group of villages ; or

(b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Regulation.

Power of Registrar to decide certain questions.

7 When any question arises whether, for the purposes of this Regulation, a person is an agriculturist, or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.

Application for registration.

8. (1) For purposes of registration, an application to register shall be made to the Registrar

(2) The application shall be signed—

(a) in the case of a society of which no member is a registered society, by at least seven persons qualified in accordance with the requirements of Section 6, Sub-section (1) ; and

(b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society, and, where all the members of the society are not registered societies, by seven other members, or, when there are less than seven other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed bye-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

---

we have deemed it necessary to reduce the minimum of members, that is necessary to entitle a society to registration, with a view to facilitate the formation of such societies. In the circumstances of this country, we are afraid that the high minimum of members fixed by the Regulation, might retard the starting of institutions of the kind contemplated by the Regulation."—*S. C. R.*, *Pr. 4.*

Registration.

9. If the Registrar is satisfied that a society has complied with the provisions of this Regulation and the Rules and that its proposed bye-laws are not contrary to the Regulation or to the Rules, he may, if he thinks fit, register the society and its bye-laws.

Evidence of registration.

10. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled.

Amendment of the bye-laws of registered society.

11. (1) No amendment of the bye-laws of a registered society shall be valid until the same has been registered under this Regulation, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the bye-laws is not contrary to this Regulation or to the Rules, he may, if he thinks fit, register the amendment.

(3) When the Registrar registers an amendment of the bye-laws of a registered society, he shall issue to the society a copy of the amendment, certified by him, which shall be conclusive evidence that the same is duly registered.

Rights and Liabilities of Members.

Member not to exercise rights till due payment made.

12. No person shall exercise the rights of a member of a registered society, unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society, as may be prescribed by theis Rules or bye-laws.

Votes of members.

13. (1) Where the liablity of the members of a registered society is not limited by shares, each member shall, not-withstanding the amount of his interest in the capital, have one vote only as a member in the affairs of the society.

(2) Where the liability of the members of a registered society is limited by shares, each member shall have as many votes as may be prescribed by the bye-laws.

(3) A registered society which has invested any part of its funds in the shares of any other registered society, may appoint as its proxy, for the purpose of voting in the affairs of such other registered society, any one of its members.

14. (1) The transfer or charge of the share or interest of a member in the capital of a registered society, shall be subject to such conditions as to maximum holding as may be prescribed by this Regulation or by the Rules.

Restrictions on transfer of share or interest.

(2) In case of a society registered with unlimited liability, a member shall not transfer any share held by him or his interest in the capital of the society or any part thereof unless—

(a) he has held such share or interest for not less than one year ; and

(b) the transfer or charge is made to the society or to a member of the society.

Duties of Registered Societies

15. Every registered society shall have an address, registered in accordance with the Rules, to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof.

Address of societies.

16. Every registered society shall keep a copy of this Regulation and of the Rules governing such society and of its bye-laws open to inspection, free of charge, at all reasonable times at the registered address of the society.

Copy of Regulation, Rules and bye-laws to be open to inspection.

17. (1) The Registrar shall audit, or cause to be audited by some person authorised by him, by general or special order in writing in this behalf, the accounts of every registered society once at least in every year. No charge shall be made in respect of any audit made under this Section.

Audit.

(2) The audit under Sub-section (1) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the society.

(3) The Registrar, the Division Peishkar, or any person authorised by general or special order in writing in this behalf by the Registrar, shall at all times have access to all the books, accounts, papers and securities of a society, and every Officer of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require.

Sec. 17: The sentence at the end of Sub-Sec. (1)—" No charge shall be made......this Section"—is not in the Indian Act. It was added by the Council on the motion of an Official Member, "as it was not desirable to pay the auditor out of the funds of the Society."— *L. C. P., dated 5-9-1913.*

Privileges of Registered Societies.

Societies to be bodies corporate.

18. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings, and to do all things necessary for the purposes of its constitution.

Prior claim of society.

19. Subject to any prior claim of the Government in respect of land revenue, or any money recoverable as land revenue, or of a landlord in respect of rent or any money recoverable as rent, a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past member—

(a) in respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure—upon the crops or other agricultural produce of such member or person, at any time within eighteen months from the date of such supply or loan;

(b) in respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, or of the loan of money for the purchase of any of the foregoing things—upon any such things so supplied, or purchased in whole or in part from any such loan, or on any articles manufactured from raw materials so supplied or purchased, at any time within three years from the date of such supply or loan.

Charge and set-off in respect of shares or interest of member.

20. A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member, in respect of any debt due from such member or past member to the society,

Sec. 19: Clause (b) in the Indian Act does not contain the words—"at any time within three years......or loan", that Act prescribing no time limit in reference to the demand under this Clause. The addition was made by the Council. The President observed that, "while money spent in the supply of seed might, in the ordinary course, be recouped from the yield of the land within a period of eighteen months, at the most, from the date of such supply, such speedy realisation could not always be expected in the case of money spent in the supply of cattle, or of agricultural or industrial implements or machinery. He, therefore, suggested that a longer period than eighteen months be prescribed in the latter case."—
L. C. P., dated 5-9-1913.

and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

Shares or interest not liable to attachment.

21. Subject to the provisions of Section 20, the share or interest of a member in the captial of a registered society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability incurred by such member.

Transfer of interest on death of member.

22. (1) On the death of a member, a registered society may transfer the share or interest in the capital of the deceased member, to the person nominated in accordance with the Rules made in this behalf, or, if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member, or pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the Rules or bye-laws:

Provided that—

(i) in the case of a society with unlimited liability, such nominee, heir or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid;

(ii) in the case of a society with limited liability, the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the Rules and bye-laws for membership of the society, or, on his application within one month of the death of the deceased member, to any person specified in the application who is so qualified.

(2) All transfers and payments made by a registered society in accordance with the provisions of Sub-section (1) shall be valid and effectual against any demand made upon the society by any other person.

(3) A registered society may pay all other monies due to the deceased member from the society to such nominee, heir or legal representative, as the case may be: Provided, however, that, if, upon enquiry in

Sec. 22: The Bill reproduced Sec. 22 of the Indian Act. But the Council amended it by (1) the insertion of the words "in the capital" affter the words "share or interest" in Sub-sec. (1), and (2) the addition of two Provisos to Sub-sec. (3).

any case, where there is no person so nominated, any question respecting the title to such other monies (*i. e.*, monies other than the share or interest in the capital) of the deceased member arise between or among two or more persons making conflicting claims in respect thereof, the committee shall refer the parties to the Civil Court, and hold the monies in deposit pending the decision of such Court: Provided further that, where the payment of such other monies is to a nominee, such payment shall be valid and effectual against any demand made upon the society by any other person.

Liability of past member.

23. The liability of a past member for the debts of a registered society, as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

Liability of the estates of deceased members.

24. The estate of a deceased member shall be liable, for a period of one year from the time of his decease, for the debts of a registered society as they existed at the time of his decease.

Register of members.

25. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein :—

(*a*) The date at which the name of any person was entered in such register or list as a member :

(*b*) The date at which any such person ceased to be a member.

Proof of entries in societies' books.

26. A copy of any entry in a book of a registered society regularly kept in the course of business, shall, if certified in such manner as may be prescribed by the Rules, be received, in any suit or legal proceeding, as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case, where, and to the same extent as, the original entry itself is admissible.

Exemption from compulsory registration of instruments relating to shares and debentures of registered society.

27. Nothing in Section 10, Sub-section (1), Clauses (*a*) and (*b*) of the Travancore Registration Regulation, II of 1087, shall apply to—

(i) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in whole or in part of immovable property ; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property, except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt from stamp duty and registration fees.

28. Our Government, by Notification in the Official Gazette, may, in the case of any registered society or class of registered societies, remit—

(a) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society, or any class of such instruments, are respectively chargeable;

(b) any fee payable under the law of registration for the time being in force.

Property and Funds of Registered Societies.

Restrictions on loans.

29. (1) A registered society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a society with unlimited liability shall not lend money on the security of movable property.

(3) Our Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

Restrictions on borrowing.

30. A registered society may receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the Rules or bye-laws.

Restrictions on other transactions with non-members.

31. Save as provided in Sections 29 and 30, the transactions of a registered society with persons other than members, shall be subject to such prohibitions and restrictions, if any, as Our Government may, by Rules, prescribe.

32. A registered society may invest or deposit its funds—

Investment of funds.

(*a*) in the Government Savings Bank, or

(*b*) in promissory notes, debentures, stock or other securities of the Government of India, or

(*c*) in stock or debentures of, or shares in, Railway or other Companies, the interest whereon shall have been guaranteed by the Government of India or by the Government of Travancore, or

(*d*) on a first mortgage of immovable property situate in Travancore, provided that the property is not a leasehold for a term of years, and that the value of the property exceeds by one-third, or, if it consists of buildings, exceeds by one-half the mortgage amount, or

(*e*) in the shares or on the security of any other registered society in Travancore, or

(*f*) with any bank or person carrying on the business of banking approved for this purpose by the Registrar, or

(*g*) in any other mode permitted by the Rules.

33. No part of the funds of a registered society shall be divided by way of bonus or dividend or otherwise among its members:

Funds not to be divided by way of profit.

Provided that, after at least one-fourth of the net profits in any year have been carried to a reserve fund, payments from the remainder of such profits and from any profits of past years available for distribution

---

Sec. 32: Clause (*b*) of the Section in the Indian Act is:—"(*b*) in any of the securities specified in Sec. 20 of the Indian Trusts Act, 1882." In place of this, the Select Committee put in Clauses (*b*), (*c*) and (*d*). They said:—"We have deemed it necessary to thus specify the securities in view of the fact that we have not got in Travancore a Regulation corresponding to the Indian Trusts Act 1882, and that some of the securities mentioned in Sec. 20 of the Indian Trusts Act 1882, are unsuited to the conditions obtaining in Travancore."— *S. C. R., Pr. 5.*

Sec. 33. After this Section, there is in the Indian Act a Section (34) which permits a registered society to "contribute an amount not exceeding ten per cent. of the remaining net profits to any charitable purpose, as defined in Sec. 2 of the Charitable Endowments Act, 1890." This provision was in the original Bill; but the Select Committee deleted it, as "the diversion of the funds of the Societies from their real objects might tend to create distrust in such institutions in the minds of people whose interests the Regulation is intended to advance".— *S. C. R., Pr. 6.*

may be made among the members to such extent and under such conditions as may be prescribed by the Rules or bye-laws :

Provided also that, in the case of a society with unlimited liability, no distribution of profits shall be made without the general or special order of Our Government in this behalf.

Inspection of Affairs.

Inquiry by Registrar.

34. (1) The Registrar may, of his own motion, and shall, at the direction of Our Government, or on the application of a majority of the committee, or of not less than one-third of the members, hold an enquiry or direct some person authorised by him, by order in writing in this behalf, to hold an inquiry into the constitution, working and financial condition of a registered society.

(2) All officers and members of the society shall furnish such information in regard to the affairs of the society as the Registrar or the person authorised by the Registrar may require.

Inspection of books of indebted society.

35. (1) The Registrar shall, on the application of a creditor of a registered society, inspect or direct some person authorised by him, by order in writing in this behalf, to inspect the books of the Society :

Provided that—

(a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the results of any such inspection to the creditor.

Costs of inquiry.

36. Where an inquiry is held under Section 34 or an inspection is made under Section 35, the Registrar may apportion the costs, or such part of the costs as he may think right, between the society, the members or creditor demanding an inquiry or inspection, and the officers or former officers of the society.

Recovery of costs.

37. Any sum awarded by way of costs under Section 36 may be recovered, on application to a Magistrate having jurisdiction in the place where the person from whom the

money is claimable actually and voluntarily resides or carries on business, by the distress and sale of any movable property within the limits of the jurisdiction of such Magistrate, belonging to such person

Dissolution of Society.

Dissolution.

38. (1) If the Registrar, after an inquiry has been held under Section 34, or after an inspection has been made under Section 35, or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may cancel the registration of the society.

(2) Any member of a society may, within two months from the date of an order made under Sub-section (1), appeal from such order to Our Government.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of a society, the order shall take effect on the expiry of that period.

(4) Where an appeal is presented within two months, the order shall not take effect until it is confirmed by Our Government.

Cancellation of registration of society.

39. Where it is a condition of the registration of a society that it should consist of at least seven members, the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the number of the members has been reduced to less than seven.

Effect of cancellation of registration.

40. Where the registration of a society is cancelled, the society shall cease to exist as a corporate body,—

(*a*) in the case of cancellation in accordance with the provisions of Section 38, from the date the order of cancellation takes effect ;

(*b*) in the case of cancellation in accordance with the provisions of Section 39, from the date of the order.

Winding-up.

41. (1) Where the registration of a society is cancelled under Section 38 or Section 39, the Registrar may appoint a competent person to be liquidator of the society.

(2) A liquidator appointed under Sub-section (1) shall have power—

(*a*) to institute and defend suits and other legal proceedings on behalf of the society by his name of office;

(b) to determine the contribution to be made by the members and past members of the society, respectively, to the assets of the society ;

(c) to investigate all claims against the society, and, subject to the provisions of this Regulation, to decide questions of priority arising between claimants ;

(d) to determine by what persons and in what proportions the costs of the liquidation are to be borne ; and

(e) to give such directions in regard to the collection and distribution of the assets of the society, as may appear to him to be necessary for winding up the affairs of the society.

(3) Subject to any Rules, a liquidator appointed under this Section shall, in so far as such powers are necessary for carrying out the purposes of this Section, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

(4) Where an appeal from any order made by a liquidator under this Section is provided for by the Rules, it shall lie to the Court of the District Judge.

(5) Orders made under this Section shall, on application, be enforced as follows:—

(a) when made by a liquidator, by any Civil Court having local jurisdiction, in the same manner as a decree of such Court;

(b) when made by the Court of the District Judge on appeal, in the same manner as a decree of such Court made in any suit pending therein.

(6) Save in so far as is hereinbefore expressly provided, no Civil Court shall have any jurisdiction in respect of any matter connected with the dissolution of a registered society under this Regulation.

Rules.

42. (1) Our Government may, for the whole or any part of the State and for any registered society or class of such societies, make Rules to carry out the purposes of this Regulation.

Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may—

(*a*) subject to the provisions of Section 5, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;

(*b*) prescribe the Forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications ;

(*c*) prescribe the matters in respect of which a society may or shall make bye-laws and for the procedure to be followed in making, altering and abrogating bye-laws, and the conditions to be satisfied prior to such making, alteration or abrogation ;

(*d*) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interest to be acquired before the exercise of the right of membership ;

(*e*) regulate the manner in which funds may be raised by means of shares or debentures or otherwise ;

(*f*) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings ;

(*g*) provide for the appointment, suspension and removal of the members of the committee and other officers, and for the procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers ;

(*h*) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts, and for the periodical publication of a balance-sheet showing the assets and liabilities of a society ;

(*i*) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted ;

(j) provide for the persons by whom and the form in which copies of entries in books of societies may be certified;

(k) provide for the formation and maintenance of a register of members, and, where the liability of the members is limited by shares, of a register of shares;

(l) provide that any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member or between a member or past member or persons so claiming and the committee or any officer, shall be referred to the Registrar for decision, or if he so directs, to arbitration, and prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators, and the enforcement of the decisions of the Registrar or the awards of arbitrators;

(m) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members;

(n) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;

(o) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made, and the amount which may be lent, to an individual member;

(p) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of the society;

(q) prescribe the extent to which a society may limit the number of its members;

(r) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;

(s) subject to the provisions of Section 38, determine in what cases an appeal shall lie from the orders of the Registrar and prescribe the procedure to be followed in presenting and disposing of such appeals; and

(t) prescribe the procedure to be followed by a liquidator appointed under Section 41, and the cases in which an appeal shall lie from the order of such liquidator.

(3) The power to make Rules conferred by this Section is subject to the condition of the Rules being made after previous publication.

(4) All Rules made under this Section shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Regulation.

Miscellaneous.

Recovery of sums due to Government.

43. (1) All sums due from a registered society or from an officer or member or past member of a registered society as such to the Government including any costs awarded to the Government under Section 36, may be recovered in the same manner as arrears of land revenue.

(2) Sums due from a registered society to the Government and recoverable under Sub-section (1) may be recovered, *firstly*, from the property of the society; *secondly*, in the case of a society of which the liability of the members is limited, from the members subject to the limit of their liability; and *thirdly*, in the case of other societies, from the members.

Power to exempt societies from conditions as to registration.

44. Notwithstanding anything contained in this Regulation, Our Government may, by special order in each case and subject to such conditions, if any, as they may impose, exempt any society from any of the requirements of this Regulation as to registration.

Power to exempt registered societies from provisions of the Regulation.

45. Our Government may, by general or special order, exempt any registered society from any of the provisions of this Regulation or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

46 (1) No person other than a registered society shall trade or carry on business under any name or title of which the word "co-operative" is part, without the sanction of Our Government:

Prohibition of the use of the word "co-operative."

Provided that nothing in this Section shall apply to the use by any person or his successor in interest of any name or title under which he carried on business at the date on which this Regulation comes into operation.

(2) Whoever contravenes the provisions of this Section shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with further fine of five rupees for each day on which the offence is continued after conviction therefor.

47. The provisions of Regulation I of 1063 shall not apply to registered societies.

Regulation I of 1063 not to apply.

RULES AND NOTIFICATIONS.

I. RULES.

(R. Dis. No. 1409/23 Devpt., dated 30th July 1923.) (a)

Under sanction of His Highness the Maha Raja, the Rules passed under Section 42 of the Co-operative Societies Regulation, X of 1089, under date the 17th November 1915, amended on the 30th July 1920, and published at page 832 of Part I of the Government Gazette dated the 3rd August 1920, are further amended and published below for general information.

I. In these Rules—

(a) the expression "the Regulation" means ths Travancore Co-operative Societies Regulation, X of 1089, and "the Rules" means the Rules made under the Regulation and for the time being in force,

(b) terms or words defined in the Regulation shall bear the meanings respectively assigned to them therein.

II. (1) Every application for the registration of a society shall be submitted to the Registrar, Co-operative Societies, in the Form prescribed in the Schedule appended to these Rules and shall be signed by the applicants.

(2) Every such application shall be accompanied by two copies of the proposed bye-laws signed by the applicants.

(a) *T. G. G., dated 7-8-1923, Pt. IV, Co-operative Dept., Pp. 1633–1638.*

III. The bye-laws shall conform to the Regulation and the Rules made thereunder and shall deal with the matters specified in Clauses (a) to (t) below and may deal with such other matters incidental to the organisation of the society and the management of its business as may be deemed necessary :—

(a) the name, address and the area of the operations of the society;

(b) the objects of the society and the purpose to which its funds are applicable;

(c) the qualifications for admission to membership and the payment, if any, to be made or interest to be acquired as a condition of exercising the right of membership;

(d) the nature and extent of the liability of the members for the debts contracted by the society;

(e) the circumstances under which withdrawal from membership shall be permitted;

(f) the procedure to be followed in cases of withdrawal, ineligibility and death of members;

(g) the conditions, if any, under which the transfer of a share or the interest of a member shall be permitted;

(h) the nature and amount of the share capital, if any, of the society and where there is a share capital the maximum share capital which a single member can hold;

(i) the circumstances under which the society may borrow funds and the procedure to be followed in so borrowing;

(j) the entrance and miscellaneous fees and fines, if any, to be collected from members (and the procedure to be adopted in collecting the same);

(k) the maximum loan admissible to a member and the procedure to be followed in granting loans and extensions or renewals and in recovering loans from members;

(l) the conditions on which loans may be granted to members;

(m) the consequences of default in payment of any sum due by a member;

(n) the maximum dividend payable on subscribed share capital to members;

(o) the rates of interest payable by the society on borrowed funds and by members on loans granted to them;

(*p*) in the case of productive and distributive societies the procedure to be followed in purchasing and selling stores, raw material and finished products ;

(*q*) the mode of holding meetings, the right of voting and, subject to Rule VII, the manner of making, altering and abrogating bye-laws ;

(*r*) the mode of appointment and removal of the managing Committee and of other offices, if any, and the duties and powers of the Committee and such officers ;

(*s*) the mode of custody and investment of the funds and, subject to Rules X and XII, the mode of keeping the accounts ;

(*t*) the disposal of the net profits.

IV. The Registrar shall satisfy himself that the proposed application and bye-laws do not contravene any of the provisions of the Regulation, that the draft bye-laws are suitable and that the society has reasonable chances of success with reference to local conditions. The Registrar may, before passing final orders, call for such further information or make such enquiry as he may deem necessary. It shall also be competent to the Registrar, before registering a society, to make such alterations in the draft bye-laws submitted with the application for registration as he may deem advisable, provided that the consent of the applicants to such alterations is obtained. When the Registrar registers a society, he shall issue to it, free of cost, a certificate of registration signed by himself and bearing his official seal and he shall also issue to the society along with the certificate of registration a certified copy of the draft bye-laws as approved and registered by him. Should the Registrar refuse to register a society, he shall record a brief statement of his reasons for such refusal and the applicants shall be given free of cost a copy of the Registrar's order of refusal. Where officers subordinate to the Registrar have been empowered to exercise any powers of the Registrar, their orders under this Rule shall be subject to revision by the Registrar and all orders of the Registrar under this Rule shall be open to revision by Government.

V. If the Registrar refuses to register a society or any draft bye-law or draft amendment of a bye-law of a society, an appeal shall lie to the Government within two months from the communication of such refusal to the applicants and it shall be competent to Government to direct the Registrar to register the society or the draft bye-law or the draft amendment of a bye-law or to pass such other orders as they may think fit.

VI. When a society and its draft bye-laws have been registered, the said draft bye-laws including such modifications as the Registrar may have made therein, shall become the bye-laws of the society.

VII. (1) After registration of a society, any of its bye-laws may be altered or amended or new bye-laws be made in accordance with a resolution passed at a general meeting of the society:

Provided that—

(a) due notice of any proposal to make, alter or rescind is given in accordance with the bye-laws;

(b) the resolution is passed by not less than two-thirds of the members present at the general meeting;

(c) the making, alteration or rescission is approved and registered by the Registrar.

(2) An application for the registration of a new or altered bye-law or for the rescission of an existing one, shall be submitted to the Registrar. It shall be accompanied by a true copy of the minutes of the general meeting at which the resolution in regard to the new, altered or rescinded bye-law was adopted. In the case of a new or altered bye-law, two copies of the same shall be submitted along with the application. The application, the copy of the minutes and the bye-law shall be signed by the Secretary and three members of the Managing Committee.

(3) If the Registrar considers that the new or altered bye-law or rescission and the method of its adoption are not contrary to the Regulation and the Rules, he may in the case of a new or altered bye-law, register it, retain one copy in his office and return the other to the society with a certificate of approval and in the case of rescission he will cancel the bye-law and issue a certificate of cancellation, provided, when the bye-law requiring alteration, amendment or rescission has relation to the nature and extent of the liability of the members for debts, already contracted by the society, the alteration, amendment or rescission shall not be undertaken by the Registrar before obtaining the sanction of Government thereto.

VIII. Notwithstanding anything contained in the bye-laws of a society as to the mode of summoning general meetings and the object, time and place of such meetings, the Registrar or any person authorized by the Registrar, may at any time summon a special general meeting of the society in such manner and at such time and place within the area of its operations as he may direct. He may also direct what matters shall be discussed by the meeting. Such meetings shall have all the powers of a meeting called according to the bye-laws of the society.

IX. (1) Any member of a society may, in writing under his hand delivered at or sent to the registered office of the Society or by declaration duly made, nominate any person or presons to whose credit his share or interest shall be transferred or to whom a sum representing the value of such member's share or interest and all other moneys referred to in Section 22 of the Regulation that may be due

to him shall be paid, on the death of the member, and such member may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent or by declaration similarly made:

Provided that the value of a member's share or interest shall be represented by the sum actually paid by the member to acquire such share or interest.

(2) A society shall keep a register of all persons so nominated.

X. Every Society shall, before the 15th Chingom prepare (*a*) a statement showing its receipts and disbursements during the year ending the last day of Karkatakam preceding, (*b*) a statement showing its assets and liabilities as they stood on the last day of Karkatakam, and (*c*) statement showing the profit and loss for the year. Distributive and productive societies shall further send a statement of verification of stock on hand at the end of the year. These statements shall be submitted to the Registrar without delay. After the Registrar has verified the statements and granted his audit certificate, the society shall publish the statements in a manner approved by the Registrar. For the last day of Karkatakam referred to above, the Registrar may with the previous sanction of Government fix such other date as seems to him suitable.

XI. Copies of such entries in the books of a society as may be required for the purpose of Section 26 of the Regulation shall be made by the President or the Secretary of the society and shall be certified by not less than three members of its managing body including such President or Secretary and shall bear the society's seal.

XII. Co-operative societies shall keep the following accounts and books for recording the business transacted by them :—

(*a*) Books to be maintained by credit societies.

(1) Minute book, recording the proceedings of the Board of management and of the general body of members.

(2) Admission book, showing the name and address of each member, the date of his admission and shares taken by him.

(3) Cash book, showing daily receipts and expenditure and the balance at the end of each day.

(4) Receipt book, containing forms in duplicate, one of each set to be issued for money received by the society and the other to serve as counterfoil.

(5) Loan ledger, showing the number and date of disbursement of each loan issued to members, the amount of loan, the purpose for which it is granted and the date or dates of repayment, distinguishing principal and interest.

(6) Ledgers of borrowings, showing deposits and other borrowings of all kinds.

(7) Liability register, showing the indebtedness of each member to the society whether on account of loans taken directly by him or on account of loans for which he stands as surety.

(8) Monthly register of receipts and disbursements.

(b) Books to be maintained by Central Banks.

In addition to books to be maintained as above by credit societies, all Central Banks, that is, societies which lend money to other societies, shall keep the following accounts :—

(1) Interest register, showing interest payable and paid by each borrowed.

(2) Reserve fund register, showing reserve fund of societies invested in the Central Bank.

(3) Suspense accounts.

(c) Property statement to be maintained by unlimited liability societies.

Every society based on unlimited liability shall keep a statement showing the assets and liabilities of each individual member at the date of admission as well as on the last day of each co-operative year.

(d) Books to be maintained by distributive and productive societies.

The books for the credit branch of such societies shall be the same as for credit societies other than Central Banks. In addition, the following books shall be maintained by distributive and productive societies :—

(1) Goods ledger, containing a classification of goods stocked and sold.

(2) Stock purchase book, showing the daily purchase of articles.

(e) In addition to the above every society shall maintain such other books or submit such other returns as the Registrar may, from time to time, prescribe.

XIII. The Registrar shall keep :—

(1) a register of the names and addresses of all societies,

(2) a register of the bye-laws of societies in the order of registration of the societies,

(3) a register of amendments and alterations in the bye-laws of societies in the order in which the same are certified by him as approved.

XIV. (a) In societies with shares and unlimited liability, not less than one-half of the net profits shall be set apart as a reserve fund until that fund is equal to one half of the total liabilities of the society other than reserve and share capital. When that proportion has been reached, not less than one-third of the net

profits shall be added to the reserve fund, provided that if, by any increase in liabilities other than reserve and share capital, the proportion of reserve fund to such liabilities is again reduced below one-half, the share of the net profits to be credited to the reserve fund shall be raised to one-half until the proportion is restored. The balance of the net profits, after one-half or one-third, as the case may be, has been credited to the reserve as above provided, may be divided among the shareholders, subject to a maximum of 7½ per cent. per annum on the paid-up value of each share. No dividend shall be distributed without the previous sanction of the Registrar.

In societies with shares and limited liability, not less than one-quarter of the net profits shall be carried to the reserve fund, after which dividends may be declared up to a maximum of 9 per cent. per annum on the paid-up value of each shares and 7½ per cent. of the net profits may be set apart for a common good fund. Until the reserve is equal to at least 12½ per cent. of the total liabilities of the society at the close of the year, the balance, if any, of the net profits, after allowing to be carried forward a sum not exceeding three months' expenses based on the average of the previous year and any other charges—expressly permitted by the bye-laws of the society, shall be credited to reserve.

(*b*) Societies with shares on limited and unlimited liability registered before the passing of these Rules may continue to divide profits in accordance with their bye-laws as they stand at the present date; but they shall not increase the proportion of net profits to be divided among the members except in accordance with the foregoing provision.

(*c*) No bonus, which, when added to the dividend, brings the total of bonus and dividend above the maximum laid down in Clauses (*a*) and (*b*) shall be allowed; but in the case of societies with shares and unlimited liability, the Registrar may sanction the payment of honoraria, on a moderate scale, to the office-bearers of the society.

(*d*) Should a society, whether with limited or unlimited liability, which is competent either under the Regulation or under the present Rules to divide a part of its net profits among its members elect to appropriate such portion or part thereof to a "common good fund", the purpose designated by the expression "common good" shall be clearly defined in the bye-laws of the society and it shall not be other than a charitable purpose as defined in Section 2 of Regulation II of 1082.

NOTE—The term 'net profits' in this Rule means net profit as certified by the Registrar under Rule X.

XV. The reserve fund in a registered society shall be invested or deposited in one or more of the modes mentioned in Section 32 of the Regulation provided, however, that distributive societies may, with the special sanction of the Registrar of co-operative societies to be obtained in each case, utilise it in their business.

XVI. (1) The reserve fund shall belong to the society as a whole and is intended to meet unforeseen losses. No member can claim a share in it. It shall not be drawn upon except with the sanction of the Registrar.

(2) On the dissolution of a society, the reserve fund and other funds contributed by it under provisions of its bye-laws shall be applied—

i. to discharging such liabilities of the society as may remain undischarged after the enforcement in full of the liability of the individual members of the society;

ii. to the repayment of the share capital paid up; and

iii. to the payment of dividend upon such share capital at a rate not exceeding 9 per cent. per annum for any period or periods for which no dividend has been paid.

(3) Such portion of these funds as shall remain after payments mentioned in Sub-clause (2) shall be applied to such local object of public utility as may be selected by the general body and approved of by the Registrar. If within three months of the final closing up of the society the general body fails to make any selection that is approved of by the Registrar, the latter may use the above mentioned portion of the funds in supporting other co-operative societies in the neighbourhood or shall place the same on interest or otherwise with some Co-operative Bank until a new co-operative society with a similar area of operations is registered, in which event the funds shall be credited to the reserve fund of such society

XVII. (1) In the case of a dispute touching the business of the society between members or past members of the society or persons claiming through a member or past member or between a member or past member or persons so claiming and the committee or any officers, a reference in writing may be made by any party to the Registrar.

(2) The Registrar shall have power on receipt of such reference either to decide the dispute himself or to refer it for decision to the arbitrator appointed by him or to several arbitrators of whom one may be appointed by him and one other by each of the parties to the dispute.

(3) The Registrar, or the arbitrator or arbitrators shall have power to administer oaths, to require the attendance of all parties concerned and of witnesses and to require the production of all books and documents relating to the matter of the dispute by the same means and in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

(4) After hearing the parties to the dispute and examining such witnesses and documentary evidence as may be produced, the Registrar or arbitrator or arbitrators shall give a decision or award in writing and where there are several arbitrators, the opinion of the majority shall prevail.

(5) Similarly in the case of a dispute relating to a debt due to a society by a member or a past member or persons claiming through a member, or past member, a reference in writing may be made by either party to the Registrar.

(6) Such decision or award shall be enforced in either of these ways—

(*a*) On a requisition to the Dewan Peishkar of the Division made by the Registrar of Co-operative Societies, all sums recoverable under the decision or award shall be recovered in the same manner as arrears of land revenue.

(*b*) On application to the Civil Court having local jurisdiction, that Court shall enforce the decision or award as if it were a decree of the Court.

XVIII. Procedure to be adopted by liquidator.

(*a*) When the registration of a society is cancelled under Section 40 of the Regulation or when no appeal has been made under Clause 2, Section 38, of the Regulation against the order of the Registrar under that Section cancelling the registration of a society or where such an appeal has been dismissed; the liquidator shall forthwith take charge of the books of the society in order to take necessary steps to wind up its affairs and shall at once publish by such means as he may think proper, a notice requiring all claims against the dissolved society to be submitted to him within three months of publication of the notice. All liabilities recorded in the account books of a society shall be deemed *ipso facto* to have been duly notified.

(*b*) If necessary the liquidator will institute suits for the recovery of sums due to the society.

(*c*) The liquidator will then proceed to determine the assets and liabilities of the society as they stood on the date of the cancellation of its registration : this being done the contributions to be made by the members and past members of the society, respectively, to the assets of the society shall be determined. He shall also determine by what persons and in what proportion the costs of the liquidation are to be borne.

All orders passed by the liquidator under this Clause shall be submitted to the Registrar for approval, before action is taken to enforce them under Clauses (*h*) and (*i*) below.

(*d*) For the above purpose the liquidator may issue summonses to persons whose attendance is required either to give evidence or to produce documents. He may compel the attendance of any person to whom a summons has been issued and for that purpose issue a warrant for his arrest.

(*e*) The liquidator shall send all such notices, summonses or warrants for service to the District Munsiff concerned.

(*f*) The District Munsiff, upon receipt thereof, shall proceed, as if such notices, summonses or warrants have been issued by him and shall return them to the liquidator with the record (if any) of the proceedings taken with regard thereto.

(*g*) The liquidator should keep short notes of the depositions of the persons thus summoned to give evidence.

(*h*) The liquidator should then make an order noting the names of members and past members of the society and the amounts to be realised from each as contributions under Clause (*b*), Sub-section (2) of Section 41 and as costs of liquidation under Clause (*d*) of the same Sub-section.

(*i*) A copy of the above order accompanied, if necessary, by a list of the property of each member or past member against which the decree will have to be enforced should be filed in the Civil Court having local jurisdiction, to be enforced as laid down in Clause (*a*), Sub-section (5) of Section 41.

(*j*) The liquidator shall submit to the Registrar, a monthly report showing the progress made in the liquidation of the societies placed under his charge.

(*k*) All funds in charge of the liquidator should be kept and deposited in the Government Savings Bank or such other Bank as may be approved of by the Registrar.

(*l*) After recovery of the dues of the society and the realisation of the contribution and costs of liquidations, from the members and past members, the liquidator shall, after meeting the liabilities of the society, wind up the affairs of the society and submit a final report to the Registrar.

(*m*) The appointment of a liquidator shall be published in the Government Gazette.

XIX. No appeal shall lie from any order of the liquidator under Section 41.

SCHEDULE.

Form of application for registration as a Co-operative society under Regulation X of 1089.

1. Name of proposed society.

2. Situation of village or town where society is to be located (Division, Taluk, nearest well-known place and distance therefrom).

3. Address of society (including nearest Anchal office).

4. State whether liability of members is to be limited or unlimited.

5. Application to register a society under the above name is hereby made by the persons whose names are submitted hereunder with their signatures and particulars of age, profession, residence, etc.

6. With this application are sent two copies of the draft bye-laws accepted by the applicants and signed by them.

N. B.—Ordinarily at least seven applicants should attest this application and the bye-laws, and when a registered society is one of the applicants, a duly authorised person on behalf of such society should sign the application and the bye-laws.

(1)

The Draft Bye-laws.

(2)

Number	Name of applicant	Father's or Uncle's name	Age.	Tribe, class or caste.	Profession.	Place of residence.	No. of shares the applicant proposes to take.	Signature.
1	2	3	4	5	6	7	8	9

II. GOVERNMENT NOTIFICATIONS.

(1)

(No. 9767/L. R., dated the 22nd December 1915.)

It is hereby notified, under sanction of His Highness the Maha Raja, that, in exercise of the powers conferred by Section 28, Clause (*b*) of the Co-operative Societies Regulation, X of 1089, the Government are pleased to remit all fees payable under the Law of Registration for the time being in force in respect of instru-

ments executed by or on behalf of any co-operative society for the time being registered under that Regulation or by an officer or member of such a society and relating to the business thereof.—*T. G. G., dated 28—12—1915, Pt. I, P. 2266.*

(2)

(No. 9768/L. R., dated the 22nd December 1915.)

It is hereby notified, under sanction of His Highness the Maha Raja, that, in exercise of the powers conferred by Section 28, Clause (*a*) of the Co-operative Societies Regulation, X of 1089, the Government are pleased to remit the stamp duty with which, under any law for the time being in force, instruments executed by, or on behalf of anv co-operative society for the time being registered under that Regulation, or instruments executed by any officer or member of any such society and relating to the business of the society, are respectively chargeable.

—*T. G. G., dated 28—12—1915, Pt. I, P. 2266.*

(3)

(No. 3459 A/L. R. 755, dated the 2nd June 1916.)

It is hereby notified, under sanction of His Highness the Maha Raja, that, in exercise of the powers conferred by Section 28, Clause (*b*) of Regulation X of 1089, Government are pleased to remit the fee leviable under the Table of fees under Section 72 of regulation II of 1087, for searches of registers in Registering offices when such searches are made on the application of the President of, or the Secretary to, a co-operative society registered under Regulation X of 1089, in respect of any instrument relating to immovable property offered as security to such society in connection with its business by any member thereof.

—*T. G. G., dated 13—6—1916, Pt. I, P. 622.*

(4)

(R. Dis. No. 502/28/Devpt., dated 15th March 1928.)

Under the sanction of Her Highness the Maha Rani Regent, the Rules for the guidance of Government servants in their relations with co-operative societies registered under the Co-operative Societies Regulation, issued under date the 26th August 1917, are modified as follows:—

1. All Government servants are at liberty to become members of co-operative societies of every description including Central Banks and take shares or place deposits in them.

2. Government servants drawing a pay of Rs. 150 and below are also at liberty to hold any office in any such society or serve on any committee appointed for the management of its affairs; but they shall not accept any remuneration except in accordance with the provisions relating thereto contained in Article 62 of the Travancore Service Regulations.

3. No Government servant drawing a pay above Rs. 150 shall hold any office in any such society or serve on any committee appointed for the management of its affairs without the special sanction of the Government previously obtained and subject to such conditions as the Government may impose.

4. It is to be distinctly understood that whenever any Government servant of whatever grade joins these societies and helps them in their work he is expected to do so in his private capacity as a citizen and he should not use his official position or influence in any manner which would militate against the non-official character of such societies. —*T. G. G., dated 20—3—1928, Pt. I, P. 510.*

REGULATION XI OF 1089 (a)

LAND ACQUISITION REGULATION.

CONTENTS.

Preamble.

PART I.

Preliminary.

Sections.

1. Short title and commencement 1
2. Repeal of enactments 2
3. Interpretation-Clause 3
   (a) "Land."
   (b) "Person interested."
   (c) "Division Peishkar."
   (c1) "Local authority."
   (d) "Persons entitled to act."

PART II.

Acquisitions.

Preliminary Investigation.

4. (1) When land is required, the same to be notified ... 4
   (2) Power to enter and survey.
   Previous notice of entry.

(a) Amended by Regulations V of 1093 and I of 1099.
The figures on the right refer to the corresponding Sections of the British Indian Land Acquisition Act I of 1894, as amended by Acts passed in 1914, 1919, 1920 and 1921.

Sections.

5. Payment for damages 5

Declaration of Intended Acquisition.

6. (1) Declaration that land is required for public purpose ... 6
(2) Contents of declaration.
Declaration to be evidence.
7. After declaration, the Division Peishkar to take order for acquisition 7
8. Lands to be marked out and measured 8
9. Notice to persons interested 9
10. Power to require and enforce the making of statements, &c. ... 10
Persons required to make statements to be deemed legally bound to do so.

Enquiry into Measurements, Value and Claims, and Award by the Division Peishkar.

11. Enquiry into value and amount of compensation ... 11
12. (1) Award when to be final 12
(2) Notice of award to persons not present.
13. (1) Power to adjourn enquiry 13,14
(2) Power to summon, &c.
14. Division Peishkar to be guided by Sections 22 and 23 in determining compensation 15
15. Award in case of agreement as to the amount of compensation.
Award to be filed and to be evidence.

Taking possession.

16. Power to take possession 16
17. Special powers in cases of urgency 17

PART III.

Reference to Court and Procedure thereon.

18. Reference to Court 18
19. Division Peishkar's statement to the Court 19
20. Service of notice 20
21. Scope of the enquiry 21,22
22. Matters to be considered in determining compensation ... 23
23. Matters to be neglected in determining compensation ... 24
24. Rules as to amount of compensation 25
25. (1) Form of awards 26,27,28
(2) Costs.
(3) Government to pay interest on excess compensation.

PART IV.

Apportionment of Compensation.

Sections.

26. Apportionment of compensation 29

27. Disputes as to apportionment, after settlement of compensation, to be referred to District Court 30

PART V.

Payments.

28. (1) Tendering payment 31
(2) Depositing in Court.

29. Investment of money deposited in respect of lands belonging to persons incompetent to alienate 32

30. Investment of money deposited in other cases ... 33

31. Payment of interest 34

PART VI.

Miscellaneous.

32. Obstruction to survey, &c., filling trenches, destroying land-marks 46

33. Division Peishkar to enforce surrender 47

34. Government not bound to complete acquisition ... 48

35. (1) Part of house or building not to be taken ... 49
(2) Power of Government to acquire the whole land in certain cases.

35-A. Acquisition of land at cost of local authority ... 50

36. Notice of suits for anything done in pursuance of this Regulation and limitation thereof 52

37. Code of Civil Procedure to apply to proceedings before District Court 53

38. Appeal in proceedings before Court 54

39. Provisions of Limitation Regulation and Code of Civil Procedure made applicable ... ... „

40. Service of notice by Division Peishkar 45

41. Power to make Rules 55

A Regulation to amend the Land Acquisition Regulation, III of 1067, as amended by Regulation VIII of 1085,

Passed by His Highness the Maha Raja of Travancore, on the 10th July 1914 corresponding with the 26th Mithunam 1089, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to amend the law for the acquisition of land needed for public purposes and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows :—

Land Acquisition law.—(1) It was in 1042 M. E., that a set of Rules was passed regarding the assumption of lands for public purposes, intended to facilitate the execution of public works which were at the time taken up in earnest and continued to receive particular attention in subsequent years. These Rules were supplemented by detailed instructions for the guidance of the Revenue Officers in the method of valuing land and trees, the apportionment of compensation, &c.—*T. G. G., dated 20-4 & 14-8-1042*, and *L. R. M. Vol. IV, Pp. 389-390.*

(2) The Rules thus issued were not sufficiently comprehensive, and consequently gave rise to constant complaints on the part alike of the Government Officers, especially those of the D. P. W., and of the people, the former deprecating the delay in assuming land required for important public works and the latter complaining of the insufficiency of the compensation awarded to them. It, therefore, became necessary to amend the law and place it on a sound footing. Accordingly, Regn. III of 1067 was passed, which was an adaptation of the British Act X of 1870. This Regulation was amended by Regn. VIII of 1085, in view to enable the Division Peishkar to refer to the District Court cases in which any dispute arose as to the apportionment of the compensation awarded or as to the person to whom it was payable. These Regulations were repealed by the existing law, as it was found necessary to alter the law and bring it up to suit modern requirements.

Regn. XI of 1089: I. *Objects and Reasons.*—In introducing the Bill, the Official Member in charge said :—"The whole of Regn. III of 1067 has been recast. The principal alterations are contained in Secs. 17 and 18, which give the owners of lands acquired by the Government a decided advantage in that they could, in cases of dispute as to the amount of compensation, &c., ask the Division Peishkar to refer the matter for the decision of the Civil Court. This procedure is allowed under the British Act." *L. C. P., dated 17-10-1912.*

II. Leave to introduce the Bill was granted at the meeting of the Council held on 31-8-1911 (*T. G. G., dated 19-9-1911*). The Bill was published on 4-6-1912, and introduced and referred to a Select Committee on 17-10-1912 (*T. G. G., dated 22-10-1912*). The Committee's Report was published on 6-5-1913. It was presented to the Council on 5-6-1913 (*T. G. G., dated 17-6-1913*) and considered on 5-9-1913 (*T. G. G., dated 30-9-1913*). The Bill was finally read and passed on 10-6-1914 (*T. G. G., dated 23-6-1914*). The Regulation was published in the Gazette dated 14-7-1914.

Regn. V of 1095 : I. *Objects and Reasons.*—See Note under Sec. 6.

II. The Bill was published in the Gazette dated 10-8-1920 and introduced in the Council at the meeting held on 11-11-1920 (*T. G. G., dated 18-1-1921*). It was not referred to a Select Committee, as the amendment was only a verbal one. The Bill was considered on 24-2-1921 (*T. G. G., dated 26-4-1921*) and finally read and passed on 2-6-1921 (*T. G. G., dated 12-7-1921*). The Regulation was published in the Gazette dated 19-7-1921.

PART I.

Preliminary.

Short title and commencement.

1. This Regulation may be called "The Land Acquisition Regulation," and it shall come into force on the 1st Chingom 1090, corresponding to the 17th August 1914.

Repeal of enactments.

2. (1) The Land Acquisition Regulations, III of 1067 and VIII of 1085, are hereby repealed.

(2) But all proceedings commenced, officers appointed or authorised, agreements published and Rules made under the said Land

---

Regn. I of 1099.—I. *Objects and Reasons.*—(1) "By virtue of the provisions of Sec. 47 of the Municipal Regulation, V of 1095, any acquisition of land on behalf of any Municipality has to be paid for by that body. But according to the Land Acquisition Regulation, the Municipality which pays has no *locus standi* either to assist the Division Peishkar to arrive at the true value, or to seek the aid of the Civil Court for that purpose. This disability of the Municipal authorities was pointed out, and a remedy was earnestly pleaded for, at the 17th session of the Sri Mulam Popular Assembly by the member for the Kottayam Municipality. As the request urged is considered reasonable, the present Bill is aimed at amending the Land Acquisition Regulation so as to enable Municipal authorities and other local public bodies to have an opportunity to see that no more than the true value of land needed for their purposes is fixed."—*S. O & R.*

(2) In introducing the Bill, the Official Member in charge said:—"* * * What the present Bill provides for is when the land is proposed to be acquired, the Municipal authority may appear before the Land Acquisition Officer and adduce the necessary evidence. This follows the British Indian provision on the subject. There is, however, one other matter in the British Indian Act which has not been adopted here. According to the British Indian Act, when land is acquired for Government or Municipal purposes, the Government or the Council, as the case may be, will have no right to move for a reference to the District Court. The principle of this restriction seems to be that, when a Land Acquisition Officer fixes a value, it is not open to Government to question the same, as the former is the agent of the latter. The Government are not allowed to question the acts of their agents and, therefore, cannot move for a reference to the District Court. In British India, the Municipal Council is placed on the same footing as Government. But I think it is absolutely necessary to make a distinction. A Municipal Council is a body corporate capable of suing and being sued in its own name. In the eye of the law, it is as much a distinct body from Government as any other body. I, therefore, see no reason why the value proposed by the Land Acquisition Officer should be binding upon a Municipal Council which has to pay the compensation from its own funds and why the Council should not be allowed to apply for a reference. Hence the provision.— *L. C. P., dated 19-7-1922.*

II. The Bill was published on 4-7-1922, and introduced in the Council and referred to a Select Committee on 19-7-1922, (*L. C. P., Vol. I, Pp. 15-16*). The Committee's Report was published on 5-9-1922, and presented to, and considered by, the Council on 20 & 21-11-1922 (*L. C. P., Vol. II, Pp. 53 & 79*). The Bill was finally read and passed on 29-10-1923 (*L. C. P., Vol. IV, P. 11*). The Regulation was published in the Gazette dated 18-12-1923.

Acquisition Regulations shall, as far as may be, be deemed to have been respectively commenced, appointed or authorised, published and made under this Regulation.

(8) Any enactment or document referring to the said Land Acquisition Regulations, shall, as far as may be, be construed to refer to this Regulation or the corresponding portion thereof.

Interpretation-Clause.

3. In this Regulation, unless there is something repugnant in the subject or context,—

"Land."

(a) The expression "Land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

"Person interested."

(b) The expression "Person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Regulation; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:

"Division Peishkar."

(c) The expression "Division Peishkar" includes any Officer, appointed by Our Government to perform the functions of a Division Peishkar under this Regulation:

"Local authority."

[(c1) 'Local authority' means any Municipal Council or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund.]

Sec. 3: The definition of "Local authority" was put in by Sec. 1 of Regn. I of 1099. The British Indian Land Acquisition Act I of 1094 contains no such definition. Sec. 16 of the Land Acquisition (Mines) Act, XVIII of 1885, has a similar definition.

Sec. 3 (a): Case Law.

A site belonging to the 1st defendant was acquired by Government under the Land Acquisition Regulation (old). There was a building with a shrine therein on the site acquired. The Division Assistant was of opinion that Government was not bound to acquire the building also and that nothing was awardable on account of consecrating the shrine elsewhere; but in view of the fact that Government had dismantled the building, he held that 1st defendant was entitled to get its materials and the cost of constructing a new building with those materials.

Held.—(1) As the definition of 'land' under the Land Acquisition Regulation included buildings, the Government was bound to acquire the building also.

(2) The 1st defendant was entitled to get the cost as well of consecrating the shrine elsewhere.—

26 T. L. R., 249.

"Persons entitled to act."

(d) The following persons shall be deemed "Persons entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted, if free from disability; and

the guardians of minors and of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that—

(i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Division Peishkar or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Division Peishkar or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of Chapter XXX of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Division Peishkar or Court by a next friend or by a guardian for the case, in proceedings under this Regulation; and

(iv) no person "entitled to act" shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

Acquisitions.

Preliminary Investigation.

When land is required, the same to be notified.

4. (1) Whenever it appears to the Government that land in any locality is likely to be needed for any public purpose, a Notification to that effect shall be published in the Gazette, and the Division Peishkar shall cause public notice of the substance of such Notification to be given at convenient places in the said locality.

(2) Thereupon, it shall be lawful for any Officer, either generally or specially authorised by the Government in this behalf, and for his servants and workmen,—

Power to enter and survey.

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries, and line by placing marks and cutting trenches; and,

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Previous notice of entry.

5 The Officer so authorised shall, at the time of such entry, pay or tender payment for any damage which may be done by the act aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Division Peishkar, and, in case such Officer is a Division Peishkar, to the decision of the Government. Such decision shall be final and payment shall be made accordingly.

Payment for damages.

Declaration of Intended Acquisition.

6. (1) Whenever it appears to the Government that any particular land is needed for a public purpose, a declaration shall be made to that effect over the signature of the Chief Secretary to Government.

Declaration that land is required for public purpose.

Sec. 5: The Indian Act (Sec. 5) is as follows:—"The officer so authorised...tender payment for *all necessary damage to be done as* aforesaid, and,...... such decision shall be final."

Sec. 6: The bracketed words in the last para were substituted by Regn. V of 1096. The Official Member in charge, in introducing the Bill, said:—"The object of

Contents of declaration.

(2) The declaration shall be published in the Gazette and shall state the Taluk and Pakuthi in which the land is situate, the purpose for which it is needed, its approximate area, and where a plan shall have been made of the land, the place where such plan may be inspected.

Declaration to be evidence.

[(3)] The said declaration shall be conclusive evidence that the land is needed [for a public purpose.]

After declaration the Division Peishkar to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, the Government shall direct the Division Peishkar to take order for the acquisition of the land

Lands to be marked out and measured.

8. The Division Peishkar shall thereupon cause the land (unless it has already been marked out under Section 4) to be marked out. He shall also cause it to be measured and (if no plan has been made thereof) a plan to be made of the same.

Notice to persons interested.

9. (1) The Division Peishkar shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intend to take possession of the land and that claims to compensation for all interests in such land may be made to him.

---

the Section is that, if a declaration is published it will be conclusive evidence that the land mentioned therein is required for a public purpose. As the wording stands, and as the third paragraph is not numbered separately, it may be regarded as a Proviso to Sub sec. (2). It is therefore likely to be interpreted that the declaration is evidence that the land is required for the purpose mentioned in Para (2). As such a misconstruction is possible, the words 'for a public purpose' are proposed to be substituted for the words 'for such purpose' in the last Para, the Para being numbered as (3). This is exactly how the British Indian Section stands."—

L. C. P., dated 11-11-1920.

Case Law.

Per Joseph Thaliath, J.—To invoke the aid of paragraph 2 in Clause 2 of Sec. 6, to prove conclusively that the land was required for a public purpose, the declaration should have contained a statement that the land was required for such a purpose. In the absence of such a statement in the declaration, the Courts could enquire whether, as a matter of fact, the land acquired was 'for a public purpose.' Therefore, where the statement in the declaration was not that the land was required 'for a public purpose', but that it was required 'for opening a pathway,' the question whether the pathway was for a public purpose or not was left open.

Per Raman Tampi, Ag. C. J.—The declaration (Notification in the Government Gazette) conformed to the requirements of law and was legally adequate.

—16 T. L. J., *521.*

(2) Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Division Peishkar at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state in writing signed by the party or agent the nature of their respective interests in the land, and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made.

(3) The Division Peishkar shall serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the Revenue Division in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by Post or Anchal and registered in a letter addressed to him at his last known residence, address or place of business.

(5) The notice shall also be published in the Gazette, and shall be deemed to be sufficient notice to all persons interested in the land as between the Government and such persons.

Sec. 9. (1) In Sub-sec. (2), the words "in writing signed by the party or agent," not found in the Indian Act, were inserted by the Select Committee in view "to avoid disputes about the nature of the statement that may be made in obedience to the Section." —*S. C. R.*

(2) Sub-sec. (5) is not in the Indian Act, and is "but an additional method of giving notice, and is not intended to affect in any way the Division Peishkar's obligation to have the notice served in the manner prescribed in the Section."—

L. C. P., dated 5-9-1913.

Sec. 9 : Case Law.

A plot of land of which the plaintiff was the Jenmi and which was held on Kanapattom by the 2nd defendant was acquired by the Government under the Land Acquisition Regulation. In the enquiry which followed, compensation amounting to Rs. 2,700 was awarded to the 2nd defendant. The plaint allegations were that the Sirkar, 1st defendant, gave no notice to the plaintiff of these proceedings under Sec. 9 of the Regulation, that the proceedings were vitiated by irregularities, that the Land Acquisition Officer failed to comply with the provisions of the Regulation, that his decision was not binding on him, and that he was consequently entitled to recover from the 1st defendant Rs. 2,000 odd as damages, credit being given for the amount received by the 2nd defendant. On behalf of the 1st defendant, it was contended that due notice was published by the Land Acquisition Officer under Sec. 9 of the Regulation, that plaintiff's omission to appear and claim compensation was fatal to the maintainability of the suit, that no special notice was issued to the plaintiff as his interest, if any, in the property was not disclosed either by the Revenue records or otherwise that the proceedings were legal, proper and fair, that the plaintiff had no right of civil

10. The Division Peishkar may require any such person that appears before him to deliver to him at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition) a statement signed by him containing, so far as may be practicable, the name of every other person possessing any interest in the land, or any part thereof, as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, of the rents and profits (if any) received or

Power to require and enforce the making of statements, etc.

---

suit against the Sirkar, and that his remedy was either in a suit against the 2nd defendant for money or a reference to the District Court under Sec. 18 of the Regulation. *Held.*—The provisions of Sec. 9 of the Regulation were contravened.

"Where the statute requires that the notice should give the owner a prescribed time, after the expiry of which claims and objections might not be preferred, a notice which fixes a shorter time is in contravention of the statute and is consequently defective. The principle is that no man shall have his rights determined without the opportunity to be heard in his defence, and when the statute prescribes the minimum period which the person affected is to have for submission of his defence, such time cannot be allowed to be reduced. In order to give validity to the proceedings and finality to the award in which they terminate, the power of acquisition with all statutory limitations and directions for its use, must be strictly pursued; every essential pre-requisite to the jurisdiction called for by the statute must be strictly complied with. It is an elementary proposition that statutory provisions in respect of acquisition of lands must be strictly complied with, and the burden of proof or compliance rests upon those who claim statutory powers or base their title upon the exercise of statutory provisions." Where some step essential to the validity of the proceedings is omitted, the owner may waive it, and even though the want of the requisite notice may affect the validity of the proceedings, a technical objection that the notice was not given will be brushed aside, if it is proved that the owner had actual knowledge of all the proceedings. It is however necessary that "waiver has to be clearly established and it must be shown that the owner acted with full knowledge of all the facts." "If any question had been raised as to the value of the lands acquired, the claimant might perhaps have been successfully met with the plea of waiver on the ground that acceptance of compensation amounted to a wavier of all irregularities in the proceedings." In the case, not only was there no plea of waiver, but the plaintiff did nothing but settle with the 2nd defendant out of Court their disputes as to the share of the value of the land acquired, the plaintiff reserving his right to sue for recovery of whatever more he was entitled to.

The irregularities in connection with the notice must effect the validity of the proceedings which led up to the award, for notice is essential to the exercise of the jurisdiction by the Land Acquisition Officer.

Where the notice which is the essential pre-requisite to jurisdiction has either not been served on persons known or believed to be interested in the land acquired or is so defective that it curtails the period of time which under the law should elapse between the publication thereof and the date fixed for the appearance of the persons affected, the subsequent proceedings including the award are voidable at the option of such persons, and in such cases the jurisdiction of the Civil Courts is not ousted by the proceedings under the Land Acquisition Regulation, where the aggrieved party seeks to recover damages for the injury sustained.—

42 T. L. R., *318* (16 T. L. J., *158*),

receivable on account thereof for three years next preceding the date of the statement and of such other particulars as the Division Peishkar or the claimant may consider necessary.

Persons required to make statements to be deemed legally bound to do so.

Every person required to deliver a statement under this or the last preceding Section shall be deemed to be legally bound to do so within the meaning of Sections 168 and 169 of the Travancore Penal Code.

Enquiry into Measurements, Value and Claims, and Award by the Division Peishkar.

Enquiry into value and amount of compensation.

11. (1) On the day so fixed or on any other day to which the enquiry has been adjourned, the Division Peishkar shall proceed to enquire into the objection, if any, to the measurements and into the value of the land and into the respective interests of the persons claiming the compensation, and determine the amount of compensation which should be allowed therefor.

(2) The Division Peishkar shall make an award, under his hand, of—

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom or of whose claims he has information, whether or not they have respectively appeared before him.

Award when to be final.

12. (1) Such award shall be filed in the Division Peishkar's office and shall, except as hereinafter provided, be final and conclusive evidence as between the Division Peishkar and the persons interested, whether they

---

Sec. 11 : (1) The corresponding Section in Regn. III of 1067 was :—"8. On the day so fixed, the Division Peishkar shall proceed to enquire into the value of the land and determine the amount of compensation which should be allowed therefor.

"If, upon an enquiry under this Section, any question respecting the title to the land or any rights thereto or interests therein arise between or among two or more persons making conflicting claims in respect thereof, the Division Peishkar shall, by a written order, refer the parties to a Civil Court for adjudication of their claims or rights".

The case in 29 T. L. R., 90 bears on the 2nd para.

(2) See Sec. 18 of the existing Regulation for the amendment of the law.

Case Law.

See under Sec. 27.—35 T. L. R., *211*.

have respectively appeared before the Division Peishkar or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

Notice of award to persons not present.

(2) The Division Peishkar shall give immediate notice of the award to such of the persons interested as are not present personally or by their representatives when the award is made.

Power to adjourn enquiry.

13. (1) The Division Peishkar may, for any cause he thinks fit, from time to time, adjourn the enquiry to a day to be fixed by him.

Power to summon, &c.

(2) For the purpose of enquiries under this Regulation, the Division Peishkar shall have power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel the production of documents by the same means and (so far as may be), in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Division Peishkar to be guided by Sections 22 and 23, in determining compensation.

14. In determining the amount of compensation, the Division Peishkar shall be guided by the provisions contained in Sections 22 and 23.

Award in case of agreement as to the amount of compensation.

15. If the Division Peishkar and all the persons interested agree as to the amount of compensation to be allowed, the Division Peishkar shall, with the previous sanction of the Government, make an award under his hand for the same.

Award to be filed and to be evidence.

Such award shall be filed in the Division Peishkar's office and shall be conclusive evidence, as between the Government and all persons interested, of the value of the land and the amount of compensation allowed for the same.

Taking possession.

Power to take possession.

16. When the Division Peishkar has made an award under Section 11 or 15, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all claims and encumbrances.

Sec. 15 : Case Law.
See under Sec. 27.—35 T. L. R., *211.*

17. (1) In case of urgency, whenever the Government so direct, the Division Peishkar may, on the expiration of fifteen days from the publication of the notice mentioned in Section 9, Sub-section (1), take possession of any land needed for public purposes. Such land shall thereupon vest absolutely in the Government, free from all claims and encumbrances

Special powers in cases of urgency.

(2) In every case under the preceding Sub-section, the Division Peishkar shall, at the time of taking possession, offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in Section 23; and in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

Reference to Court and Procedure thereon.

18. (1) Any person interested who has not accepted the award, may, by written application to the Division Peishkar, require that the matter be referred by the Division Peishkar for the determination of the District Court within whose jurisdiction the land is situate whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of compensation among the persons interested.

Reference to Court.

Sec. 17 : In the Indian Act, there is a Sub-section providing for the acquisition of lands required for purposes of Railway administration. The Member in charge proposed the addition of a Sub-section analogous to it. The President observed that cases of the kind contemplated would be adequately met by Sub-sec. (1), and that there was no need for any additional provision. The amendment was then withdrawn.—

L. C. P., dated 6-9-1913.

Sec. 18: Case Law.

1. Against an award of the Land Acquisition Officer, the claimant applied within the time limited by Sec. 18 requiring him to make reference to the Civil Court under the Section and the objection was with regard to the extent of the acquisition and the amount of the compensation per cent of the property to be acquired.

Held.—The Land Acquisition Officer should have conformed to the provisions of the Regulation and referred the objection to the Civil Court. The reference should have been made under Sec. 18 instead of under Sec. 27 of the Regulation.

In rejecting an application made under the Section asking for a reference to the Civil Court, the Land Acquisition Officer acts judicially and his order is subject to revision by the High Court.— **36 T. L. R.,** *12.*

2. Where Government claiming to be the owner of land seeks to acquire, under the

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or was represented before the Division Peishkar at the time when he made his award, within two months from the date of the Division Peishkar's award;

(b) in other cases, within two months of the receipt of the notice from the Division Peishkar under Section 12, Sub-section (2), or within six months from the date of the Division Peishkar's award, whichever period shall first expire.

Division Peishkar's statement to the Court.

19. (1) In making the reference, the Division Peishkar shall state, for the information of the District Court, in writing under his hand—

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons who, he has reason to think, are interested in such land;

(c) the amount awarded for damages and paid, tendered or offered under Sections 5 and 17, and the amount of compensation awarded under Section 11; and

---

Land Acquisition Regulation, the interests of other persons therein and such persons deny the alleged title of Government and set up entire title in themselves to the property and claim compensation on that basis, the Land Acquisition Officer and the District Court, on reference under Section 18 are bound to consider and determine for the purpose of assessing the compensation, whether such claimants are the owners, as they claim to be, of the entire land or possess only the limited interest admitted by Government.

In a land acquisition case, of the three persons claiming the compensation amount, claimants 1 and 2 on the one hand and 3rd claimant on the other, each claimed a moiety of the compensation amount and on the application of the 3rd claimant under Sec. 18 of the Regulation in respect of his share of the compensation amount, the Land Acquisition Officer made a reference to the District Court. *Held.*—The District Court was not competent to vary the award in respect of the share of claimants 1 and 2.

Per Sesha Iyer, J. Quaere—Whether the claim to the compensation awardable to claimants 1 and 2 being based on the same objection on which a reference was made to the District Court and claimants 1 and 2 falling as they do, within the category of persons affected by the objection (raised by the 3rd claimant), their interests should not also therefore be considered and decided under Sec. 21, even though they have not formally applied for reference.— **36 T. L. R., *273*.**

3. See under Sec. 9.— **42 T. L. R., *318*.**

„ „ 27.— **35 T. L. R., *211*.**

(*d*) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached, a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested, respectively.

Service of notice.

20. The District Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection and directing their appearance before the Court on that day, to be served on the following persons, namely :—

(*a*) the applicant;

(*b*) all persons interested in the objection except such (if any) of them as have consented without protest to receive payment of the compensations awarded; and

(*c*) the Dewan.

Scope of the enquiry.

21. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection and every such proceeding shall take place in open Court.

Matter to be considered in determining compensation.

22. (1) In determining the amount of compensation to be awarded for land under this Regulation, the Court shall take into consideration—

firstly, the market-value of suchl and at the date of the publication of the declaration relating thereto under Section 6 ;

Sec. 20: Case Law.
See under Sec. 18.—36 T. L. R., *273.*

Sec. 21: In the Indian Act, Sec. 22 is as follows :—"Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the Province shall be entitled to appear, plead and act (as the case may be) in such proceeding." A motion was made in the Council to put in such a Section. After discussion, only the first portion of the Section was adopted. "The provision regarding pleaders was considered superfluous as the required provisions are contained in the Civil Procedure Code.—*L. C. P., dated 5-9-1918.*

Case Law.
See under Sec. 18.—36 T. L. R., *273.*

Sec. 22 : This corresponds to Sec. 10 of the old Regn. III of 1067, which was as follows :—" 10. In determining...consideration—

First, the market-value, at the time of awarding compensation, of such land ;

secondly, the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Division Peishkar's taking possession thereof ;

thirdly, the damage (if any) sustained by the person interested, at the time of the Division Peishkar's taking possession of the land, by reason of severing such land from his other land ;

fourthly, the damage (if any) sustained by the person interested at the time of the Division Peishkar's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings ;

fifthly, if in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change ; and

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under Section 6 and the time of the Division Peishkar's taking possession of the land.

(2) In addition to the market-value of the land, as above provided, the Court shall, in every case, award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition.

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing land from his other land ;

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner, or his earnings ; and

Fourthly, if in conseqence of the acquisition, he is compelled to change his residence, the reasonable expenses (if any) incidental to such change."

Case Law.

1. A Division Peishkar in assessing compensation under Regulation III of 1067 for a land held on Pandara Otti deducted one-fourth of the value of taxable trees as Government's share : *Held*,—(1) The owner of the land was, under the terms of the Royal Proclamation of the 21st Vycausi 1040 and of the Compensation Regulation, entitled to the full value of the trees belonging to him. Looking to the spirit of the Proclamation, it seems that the practice prevailing in the Trivandrum Division of deducting one-fourth of the value of taxable trees as Government share was illegal. See Sec. 6 of the Proclamation. It is clear that the intention of the framers of the Proclamation was to grant to the holders of lands which, until then, were theoretically treated as the Jenmom property of the Sirkar, full dominion over the lands as private owners, and it would defeat the object of the concession if the Sirkar were still to be allowed a share of the value of taxable trees planted by the land-holder. Such deduction or allowance is made only in favour of private owners or Jenmis when trees are valued for the purpose

23 But the Court shall not take into consideration—

Matters to be neglected in determining compensation.

firstly, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage, which, after the date of the publication of the declaration under Section 6, is likely to be caused by or in consequence of the use to which the land acquired will be put;

---

of compensating the tenants at the time of their ejectment.

(2) The rate given for a small piece of land assumed for making or widening a public road could not be taken as a fair test of the market value of the land lying adjacent to it and used as a house site from which the occupant was to be compulsorily ejected.— 17 T. L. R., *47*.

2. The land of a tile manufacturer was assumed and his factory and appurtenances were compulsorily removed by the Sirkar: *Held.* The manufacturer should be awarded the price of the land and also, under the third proviso to Sec. 10 of the Land Acquisition Regulation (III of 1067), the damages on account of his 'earnings' which he lost by the assumption and which could have been earned by him for the period actually and reasonably necessary for the erection of a similar kiln— 18 T. L. R., *26*.

Fol.—18 T. L. R., 187.

3. The site of a temple and the surrounding land were acquired for the railway. The owner of the temple was awarded the value of the temple building, tank and land. The Special Assistant found that the proprietor was entitled to the compensation for ceremonies incidental to the removal of the idol: *Held.*—The "idol" might be treated as "other property" within the meaning of Clause 3, Sec 10 of the Land Acquisition Regulation (III of 1067.) Therefore, the owner of the temple was entitled also to compensation for removing it to another place and the cost of incidental religious ceremonies attending the reconstruction of the temple and the reconsecration of the idol.— 18 T. L. R., *187*.

Fol.—26 T. L. R., 249.

4. As a private purchaser of land subject to the payment of Muppara, &c., to a 3rd person, takes upon himself such liability, the Government, when it purchases such land, must do the same or pay compensation to that 3rd person, independently of the compensation amount due to the owner thereof.

In the case of Jenmom lands, ⅝ of the Tharavila and ½ of the compensation for improvements should go to the Jenmi and the rest to the Kanomdar and his lessees.— K. P. *110*.

5. Mere want of convenience in the use of a property is not one of the grounds stated in Sec. 10, Clause 3, of the Land Acquisition Regulation (III of 1067) as entitling a person to damages. It is only when, by an acquisition under the Regulation, some other property of the person whose property was acquired is 'injuriously affected' that he is entitled to damages under that Clause.

The *injury* which is the basis of the claim 'must be *actual injury to the land itself* as by loosening the foundations of buildings on it, or by obstructing its light, making it inaccessible by lowering or raising the ground immediately in front of it, or by some such physical deterioration.'— 1 T. L. J., *352*.

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

sixthly, any increase to the value of other land of the person interested likely to accrue from the use to which the land acquired will be put ; or

seventhly, any outlay or improvements on or disposal of such land made, commenced or effected, without the written sanction of the Division Peishkar, after the publication of the declaration under Section 6.

Rules as to amount of compensation.

24. (1) When the applicant has made a claim to compensation pursuant to any notice given under Section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Division Peishkar under Section 11.

(2) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Court) to make such claim, the amount awarded to him by the Court shall in no case exceed the amount awarded by the Division Peishkar.

(3) When the applicant has omitted for sufficient reason (to be allowed by the Court) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Division Peishkar.

Form of awards.

25. (1) Every award made by the Court shall be in writing, signed by the Judge and shall specify the amount awarded under Clause (1) of Sub-section (1) of Section 22 and also the amounts (if any) respectively awarded under each of the other Clauses of the same Sub-section, together with the grounds of awarding each of the said amounts.

Sec. 25: (1) Sec. 26 of the Indian Act has been amended by Act XIX of 1921 which has added the following Sub-section :— "(2) *Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of Section (2), Clause (2), and Section (3), Clause (9) respectively of the Code of Civil Procedure, 1908.*"

(2) Sub-sec. (2) of the Section reproduces Sub-sec. (1) of Sec. 27 of the Indian Act. The latter has another Sub-section which is as follows :—"(2) *When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.*"

Costs.

(2) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

Government to pay interest on excess compensation.

(3) If the sum which, in the opinion of the Court, the Division Peishkar ought to have awarded as compensation is in excess of the sum which the Division Peishkar did award as compensation, the award of the Court may direct that the Government shall pay interest on such excess at the rate of six per centum per annum from the date on which the Division Peishkar took possession of the land to the date of payment of such excess in Court.

PART IV.

Apportionment of Compensation.

Apportionment of compensation.

26. When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Disputes as to apportionment, after settlement of compensation, to be referred to District Court.

27. When the amount of compensation has been settled under Section 11 or 15, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Division Peishkar may refer such dispute to the decision of the District Court within whose urisdiction the land is situate.

Sec. 27: Case Law.

1. A Land Acquisition Officer referred to a District Court, under Sec. 27 of the Land Acquisition Regulation, a dispute between the defendants as to the apportionment of the value of improvements. But the District Judge, without finally deciding the question, directed the Dewan Peishkar to deposit in Court the entire compensation money including the portion which was not covered by the order of reference. He also directed that the compensation amount minus the amount payable to the 2nd defendant on account of his improvements should be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held.

Held.—The order of the District Judge was illegal.

A careful perusal of the Regulation, as a whole, suggests that the intention of the Legislature was that in dealing with references made to the Civil Courts, the Courts

PART V.

Payments.

28. (1) On making an award under Section 11 or 15, the Division Peishkar shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next Sub-section.

Tendering payment.

---

should confine themselves to the points referred to them. Here, the reference was made expressly under Sec. 27 and related only to the question of apportionment of the value of improvements. The District Judge, however, purports to have exercised powers conferred on a Court under Sec. 29. Jurisdiction under Sec. 29 is acquired only when the Land Acquisition Officer makes a reference under Sec. 18 and deposits in Court the amount of the compensation as contemplated in Sec. 28. A reference under Sec. 18 can be made only after an award is made by the Land Acquisition Officer. And a Land Acquisition Officer is authorised to make an award only under Secs. 11 and 15. It was not contended that, in the case, action was taken under Sec. 15. Nor could the order of the Land Acquisition Officer be deemed an award under Sec. 11. An award under Sec. 11 could be made only after ascertaining the true area of the land sought to be acquired, fixing the compensation to be allowed for the land and after the apportionment of the compensation among all interested persons (Sec. 11, Sub-sec. 2). In other words, in cases where an apportionment has to be made, it is not possible for the Land Acquisition Officer to make an award *without apportioning the compensation.* Under the Regulation, the Land Acquisition Officer is himself competent to make the apportionment (Sec. 11, Sub-sec. 2, Clause 3); or, he may under Sec. 27 throw that duty upon the Civil Court on his own motion and without waiting for an application to that effect from any of the parties. The reference which a Land Acquisition Officer may make of his own accord has nothing to do with the reference which he is bound to make to the Court under Sec. 18, after he has completed the award, at the instance of 'any person interested who has not accepted the award'. When once the Court makes the apportionment upon the reference under Sec. 27, the Land Acquisition Officer must adopt that decision on the question of apportionment and proceed to make a proper award, as prescribed by Sec. 11, Sub-sec. 2. This order will be in conformity to the decision of the Civil Court so far as the question of apportionment is concerned. Till all this is done, the Land Acquisition Officer cannot be held to have made any award under Sec. 11. If then no award has been made either under Sec. 11 or under Sec. 15, it was not possible to have made any reference under Sec. 18 or for the Land Acquisition Officer to take action under Sec. 28 or for the Court to have acquired jurisdiction under Sec. 29.

It follows, therefore, that all the directions purporting to have been passed under Sec. 29 and the order for the depositing of the entire compensation amount must be set aside and the lower Court must be asked to finally decide as to how the value of improvements should be apportioned among the defendants.— **35 T. L. R., *211.***

2. See under Sec. 18.— **36 T. L. R., *12.***

Sec. 28: Case Law.

1. Sub-sec. 3 of the Section empowers the Division Peishkar to make certain arrangements in appropriate cases instead of awarding money compensation. In the case, where a plot of land forming part of a ***purayidom,***

Depositing in Court.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Division Peishkar shall deposit the amount of the compensation in the Court to which a reference under Section 18 would be submitted :

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount :

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under Section 18 :

Provided also that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Regulation, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this Section, the Division Peishkar may, with the sanction of the Government, instead of awarding a money compensation in respect of any land, make any arrangement with a person having limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing Sub-section shall be construed to interfere with or limit the power of the Division Peishkar to enter into any arrangement with any person interested in the land and competent to contract in respect thereof :

Provided that no such arrangement shall be made without the previous sanction of the Government.

---

held on *Tantri Viruthi*, belonging to the appellant, was acquired by the Government, money compensation was awarded under Sec. 11 and a reference made under Sec. 18 of the Regulation. There is no provision of law which authorises the Division Peishkar to supplement or modify the award by making any other arrangement. The arrangement contemplated by Sub-sec. 3 cannot be effectuated unless it is agreed to by the party whom it affects. No arrangement whatever can be forced upon an unwilling party.

As to the contention that Sec. 29 is inapplicable to the case, inasmuch as the land does not belong to the appellant, it is open to doubt whether the word 'belonged' used in the Section denotes ownership and whether land held on Service Inam Tenure cannot for the purposes of that Section be deemed to belong to the holder thereof.—

16 T. L. J., *44*.

2. See under Sec. 27.—35 T. L. R., *211*.

29. (1) If any money shall be deposited in Court under Subsection (2) of the last preceding Section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

(a) order such money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such approved securities as the Court shall think fit,

and shall direct the payment of the interest or other proceeds arising from such investments to the person or persons who would, for the time being, have been entitled to the possession of the said land, and such monies shall remain so deposited and invested until the same be applied—

(i) in the purchase of such other lands as aforesaid, or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of monies deposited to which this Section applies, the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Government, namely:—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such monies are for the time being invested, and for the payment out of Court of the principal of such monies and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

30. When any money shall have been deposited in Court under this Regulation for any cause other than that mentioned in the last preceding Section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such

Investment of money deposited in other cases.

Sec. 29: Case Law.

See under Sec. 27.—35 T. L. R., *211*.

" " 28.—16 T. L. J., *44*.

approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as, it may consider, will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Payment of interest.

31. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Division Paishkar shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

Miscellaneous.

Obstruction to survey, &c., filling trenches, destroying land marks.

32. Whoever wilfully obstructs any person in doing any of the acts authorised by Section 4 or Section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under Section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Division Peishkar to enforce surrender.

33. If the Division Peishkar is opposed or impeded by any person in taking possession, under this Regulation, of any land, he may remove such person from such land, using such force as may be necessary.

Government not bound to complete acquisition.

34. (1) The Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

Sec. 31: After the corresponding Sec. 34 in the Indian Act, there are three Sections (35, 36 and 37) relating to the temporary occupation of land not required for permanent use. The Member in charge moved in the Council the addition of three Sections similar to them. The President observed that "his experience showed that, even in cases where land was required only temporarily, the better policy was to acquire the land permanently and dispose of it when the necessity was over and credit the sale proceeds to the Government. The people generally preferred this. The addition of the Sections suggested did not appear to him necessary." The motion was dropped.—

L. C. P., dated 5-9-1913.

(2) Whenever the Government withdraw from any such acquisition, the Division Peishkar shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay or tender such amount to the person interested, together with all costs reasonably incurred in the prosecution of the proceedings under this Regulation relating to the said land.

(3) The provisions of Part III of this Regulation shall apply, so far as may be, to the determination of the compensation payable under this Section.

Part of house or building not to be taken.

35. (1) The provisions of this Regulation shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building, if the owner desires that the whole of such house, manufactory or other building shall be so acquired:

Provided that the owner may, at any time before the Division Peishkar has made his award under Section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or other building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Regulation does or does not form part of a house, manufactory or other building within the meaning of this Section, the Division Peishkar shall refer the determination of such question to the District Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference, the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or other building.

Power of Government to acquire the whole land in certain cases.

(2) If in the case of any claim under Section 22, Sub-section (1), Clause (3), by a person interested, on account of the severing of the land to be acquired from his other land, the Government are of opinion that the claim is unreasonable or excessive, they may, at any time before the Division Peishkar has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under Sections 6 to 10 both inclusive, shall be

necessary; but the Division Peishkar shall, without delay, furnish a copy of the order of the Government to the person interested, and shall thereafter proceed to make his award under Section 11.

Acquisition of land at cost of local authority.

[35-A. (1) Where the provisions of this Regulation are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority, the charges of and incidental to such acquisition shall be defrayed from or by such fund.

(2) In any proceeding held before a Division Peishkar or Court in such cases, the local authority concerned may appear and adduce evidence for the purpose of determining the amount of compensation.

(3) Any such local authority which objects to the award of a Division Peishkar in regard either to the area of the land or to the amount of compensation may ask for a reference to the District Court within whose jurisdiction the land is situate in the manner and within the time specified in Section 18; and thereupon the provisions of Sections 19 to 23 and 25, in so far as they may, shall apply.]

Notice of suit for anything done in pursuance of this Regulation and limitation thereof.

36. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Regulation, without giving to such person a month's previous notice in writing of the intended proceeding and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of six months from the accrual of the cause of action.

Sec. 35-A: (1) This Section was inserted by Sec. 2 of Regn. I of 1099. *Vide* Objects and Reasons, *Supra*.

The Proviso to Sub-sec. (2) of Sec. 50 of the Indian Act says:—"*Provided that no such local authority or Company shall be entitled to demand a reference under Sec. 18.*"

(2) After Sec. 50 in the Indian Act, there is a Section which is as follows:—"*51. No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.*"

Sec. 36: Sec. 52 of the Indian Act does not contain the words "nor after the expiration......cause of action."

Case Law.

A suit was brought for recovery of compensation-money wrongly paid to the 2nd defendant by the Land Acquisition Officer, more than one year after the date of the order. It was dismissed by the lower Court as barred under Sec. 36 of the Land Acquisition Regulation: *Held* (on appeal). —Sec. 36 referred only to tortious acts done under the Regulation and not to a suit brought for recovery of money wrongly paid by the Land Acquisition Officer. The suit was, therefore, not barred under the Section. Nor under Article 10 of the Limitation Regulation, as the suit was only for the recovery of money wrongfully received by the 2nd defendant and not for setting aside an order of a Sirkar servant.—

37 T. L. R., *60* (11 T. L. J., *186*).

Code of Civil Procedure to apply to proceedings before District Court.

37. Save in so far as they may be inconsistent with anything contained in this Regulation, the provisions of the Code of Civil Procedure shall apply to all proceedings before the District Court under this Regulation.

Appeal in proceedings before Court.

38. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the District Court in any proceedings under this Regulation.

Provisions of Limitation Regulation and Code of Civil Procedure made applicable.

39 The provisions of the Limitation Regulation and the Code of Civil Procedure in respect of regular appeals in ordinary suits shall, so far as may be, apply to proceedings before the High Court under this Regulation.

Service of notice by Division Peishkar.

40. (1) Service of any notice by the Division Peishkar under this Regulation shall be made by delivering or tendering a copy thereof signed by him.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the Division Peishkar and also in some conspicuous part of the land to be acquired :

Provided that, if the Division Peishkar shall so direct, a notice may be sent by Post or Anchal and registered, in a letter addressed to the person named therein at his last known residence, address or place of business, and service of it may be proved by the production of the addressee's receipt.

Sec. 40 : Sec. 45 of the Indian Act runs thus:—"Service of any notice under this Act shall be made," &c. Thus the Section applies to all notices under that Act. But, in the Regulation Secs. 37 and 39 make the Code of Civil Procedure applicable to proceedings taken before Judicial tribunals under the Regulation. So, it was thought sufficient to put in a provision in regard to the service of notice by the Division Peishkar.— *L. C. P., dated 5-9-1913.*

41. Our Government may make Rules consistent with this Regulation for the guidance of Officers in all matters connected with its enforcement and may from time to time alter and add to the Rules so made. All such Rules, alterations and additions shall be published in the Gazette and shall thereupon have the force of law.

Power to make Rules.

Land Acquisition—*Other Cases.*

1. An appeal was preferred against the order of a Division Assistant Peishkar dismissing an application for execution on the ground that the application was barred. *Held.*—Applications for execution of decrees in Land Acquisition cases are governed by the Limitation Regulation.

Sec. 19 of Regn. III of 1067 enacts that the "decision, award or decree passed under the Regulation shall be enforceable in the same manner as a decree of a Civil Court under the Code of Civil Procedure." The decree of the Assistant Peishkar could be executed only in the way prescribed by the Code of Civil Procedure, and that Code is governed by the Limitation Regulation. No doubt special provision is made for appeals, and this is accounted for by the fact that, in special Regulations, different periods of limitation for the filing of appeals are prescribed.— **25 T. L. R.,** *129.*

2. The question arose "whether appeals under Sec. 16 of Regulation III of 1067, from the decrees of the Land Acquisition Officers, where the amount claimed or decreed as compensation is not less than Rs. 2,500, and the amount or value of the matter in appeal is not less than that sum, should be heard and determined exclusively by a Full Bench. [Sec. 16 was as follows :— "An appeal shall lie against the decree of the Division Peishkar under Section 9 to the Zilla Court within whose jurisdiction the land in respect of which such decree was passed is situated : Provided that if the amount claimed or decreed as compensation exceeds Rs. 250, such appeal shall lie to the High Court. The decree passed on appeal shall be final."] *Held.*—(1) A Land Acquisition Officer was neither a 'District Court' nor a 'Civil Court' and that his decisions could not be treated as decrees in 'suits.' (2) Under the strict interpretation, therefore, of Section 13 of the High Court Regulation, Land Acquisition appeals, wherein the amount that is claimed before the Land Acquisition Officer and which forms the subject-matter in appeal exceeds Rs. 2,500, need not necessarily be heard and determined by a "Full Bench", as defined in the High Court Regulation. (3) However, as Sections 11 and 13 of the High Court Regulation had long been interpreted to apply to Land Acquisition appeals also, the existing practice might be adhered to on the principle of *stare decisis*, especially as it was unreasonable to suppose that, in the case of appeals in Land Acquisition and Forest cases, the legislature intended to depart from the principle underlying Secs. 11 and 13 of the High Court Regulation (F. B.) .—**2 T. L. J.,** *293.*

Ref.—29 T. L. R., 243.

3. The plaintiff was the Vakil for the defendant in a case arising out of the acquisition of certain land belonging to the defendant and assumed by the Sirkar under the Land Acquisition Regulation (III of 1067). There being no valid agreement for the remuneration of the plaintiff for his services, the District Judge allowed him fees on the amount claimed by the plaintiff as compensation, calculated in the manner adopted in suits in Civil Courts. In appeal, it was contended that the scale of fees prescribed under the Vakils Regulation was not applicable to the proceedings under the Land Acquisition Regulation, that the calculation should be on the amount offered by the

Sirkar, or that the calculation should be on the difference between the amount offerep by the Sirkar and that claimed by the claimant: *Held*.—Fees payable to legal practitioners appearing in enquiries before the Land Acquisition Officer under Sec. 8 of the Land Acquisition Regulation are to be calculated as in civil suits of the same magnitude.

The value of the claim for calculating Vakil's fees should be taken to be the amount in dispute, *i. e.*, the difference between the sum offered by the Sirkar and that claimed by the party.—

29 T. L. R., *243* (4 T. L. J., *93*).

4. A Land Acquisition Officer passed an *ex parte* decree in a case under the Land Acquisition Regulation; but the claimant having applied the same day to set aside the *ex parte* decree, he set aside the decree and admitted a statement of defence from the claimant. After evidence was taken, the then presiding Officer who had succeeded the Officer who set aside the *ex parte* decree, considered the claimant's application for setting aside the *ex parte* decree as an application for review, and holding that an application for review could not be entertained under the Regulation, rejected that application of the claimant.

Held.—The latter order was made without jurisdiction. There was no provision of law under which the order passed under Sec. 103 of the Civil Procedure Code could be revised by the successor in office.—

4 T. L. J., *112*.

5. Under Regn. III of 1067, a Land Acquisition Officer is a Court exercising all the powers of a Civil Court under the Civil Procedure Code, and is thus competent to entertain applications for review.

As it is the Sirkar that is interested in seeing that no more than the proper value of the land acquired is adjudged to the owners thereof, the Sirkar is the party aggrieved, within the meaning of Sec. 569 of the Civil Procedure Code, by an excessive award, and hence entitled to file an application for review to reduce the amount of the award.

Under the Civil Procedure Code, suits by or against Government should be instituted by or against the Dewan, though persons being *ex officio* or otherwise authorised to act for Government are deemed to be recognised agents entitled to make appearances and do acts, &c., on behalf of Government.

As the Deputy Tahsildar, in the case, was neither *ex officio* nor otherwise authorised to act for Government, the application for review presented by him against the excessive award was not made in accordance with law and was wrongly entertained by the Land Acquisition Officer, and the modification of the award on the basis of such review was bad.

In generally assessing the value of land for purposes of acquisition under the Regulation, the value of the trees calculated as if they were yielding profit cannot be awarded with the full value of the ground on which they stand if the object of the acquisition is inconsistent with the enjoyment of the trees as bearing trees, and it is a question to be determined on the evidence and circumstances in each case how many of the trees could be enjoyed as bearing trees and how many not (F. B.).—

30 T. L. R., *197* (4 T. L. J., *238*)

Fol.—6 T. L. J., 40.

Ref.—32 T. L. R., 90.

6. The High Court has the power to revise orders passed by the Land Acquisition Officer in cases where the Regulation provides no appeals against such orders and where the orders appear to be illegal:

When conflicting claims are advanced before a Land Acquisition Officer in respect of the title to the land or rights or interests therein, his only course is to refer the parties to a Civil Court for adjudication of their claims or rights, and hence an order passed by the Land Acquisition Officer for payment of the amount of the compensation to one

party in preference to the contesting party is *ultra vires.*

Obiter.—The Land Acquisition Regulation (III of 1067) does not warrant the Land Acquisition Officer passing a conditional order directing the payment of the compensation money to one of two rival claimants, if the other party does not obtain an injunction from a proper Civil Court within a reasonable time fixed by such Officer.— 4 T. L. J., *247.*

7. When lands planted up with valuable trees such as cocoanut trees are acquired under the Land Acquisition Regulation, the claimant cannot get the value of the trees as bearing trees and also compensation for the whole of the land valued as vacant site without making any deduction on account of the standing room for such trees.

As for the actual extent that should be deducted as standing room for a tree, having regard to the fact that, in the Sirkar Settlement, the standing room allowed for each tree is uniformly one cent and in view of the obvious expediency of having a general and settled rule in this respect for the Courts to be guided by, it was held that, even though in particular and in very exceptional cases it may work some slight hardship, the Settlement Rule may with great advantage be adopted as the general rule governing the matter.—6 T. L. J, *40.*

Fol.—32 T. L. R., 90.

8. (1) Sec. 21 of Regulation III of 1067 cast upon the Sirkar a statutory duty, *viz.,* that under certain circumstances the Sirkar must acquire either the entire building or no portion of it at all. Assuming the allegation of the appellant that at least a portion of what was acquired by the Sirkar must be treated as a portion of the house, the Sirkar committed a breach of a statutory duty imposed upon them. For the breach of such duty, the appellant may probably be entitled to recover damages. It may perhaps have also been open to the appellant to apply for an injunction for restraining the Sirkar from acquiring only a portion of her building. If the appellant desires to obtain either of these remedies, the course open to her would probably be to seek redress by means of a properly framed suit. At any rate, the Land Acquisition Regulation does not appear to have been enacted with a view to empower the Land Acquisition Officers or the tribunals sitting in appeal over their decisions to award relief to persons aggrieved by the breach by the Sirkar of the statutory duty imposed under Sec. 21 of the Regulation.

The only questions which the Regulation empowers the Land Acquisition Officer or the Civil Court to which he makes any reference under Sec. 8 or the appellate tribunals constituted under Sec. 16 to decide are what compensation should be awarded and to whom it should be paid (F. B.).—

7 T. L. J, *376.*

Ref.—42 T. L. R., 318.

[Sec. 21 of Regulation III of 1067 was as follows:—

" The provisions of this Regulation shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired. "

For Secs. 8 and 16 of the old Regulation, see *Supra.*]

9. In cases of acquisitions of land with cocoanut and other fruit bearing trees, commonly known as improvements, standing thereon, it would be unreasonable that the owner should be paid, first the full acreage value of the land acquired considered as vacant space fit to be planted on, and then also the full value of the trees standing on the ground acquired, calculated on the basis of their being or continuing to be bearing or yielding trees, without making any allowance on account of the area or the extent of ground occupied by those trees.

If the owner whose land with the trees thereon is acquired by the Government, wants to have the full value of the trees

standing on the land, treating them as bearing trees, he is entitled to it, the said value being taken as the capitalized value of the annual income derivable from those trees. If he is given this, deductions would have to be made on account of standing room for the trees, such standing room being taken to be, as under the Settlement Rules, one cent of ground for a cocoanut tree, two cents for a jack tree, and one-eighth of a cent for an arecanut tree, out of the total area acquired, and after doing this, the area, if any, which remains has to be valued and given. The owner is likewise entitled to ask that the whole of the ground acquired be treated as vacant ground and paid for on that footing, in which case he is certainly not entitled to claim the full value of the trees standing on the property considered as bearing trees, but only what may be fairly put down as the value of the care and expense incurred by the owner on their account in the shape of the cost of seedlings, digging pits, putting up fences, manuring and tilling the soil, watering the plants whenever required, &c. Where land is plentiful, but the soil not particularly fertile, though not barren, it is the improvements that have been raised on it by the labour and capital of the owner that mainly contribute to make the land valuable. In cases like this, the owner would obtain a fair value for his land only if he is paid the capitalized value of the income derivable from the trees. On the other hand, where land is in great demand as in crowded localities and the soil more or less fertile, vacant space fit for being planted upon would have a value of its own. If cocoanut and other fruit bearing trees are raised on it, the owner may, at his option, ask that the space occupied by the trees be considered as vacant ground and valued accordingly, and that he be given something in addition on account of those trees, or that he be awarded the capitalized value of the income derivable from those trees, and that, after making allowance on account of standing room for the trees in question, the balance, if any, of the ground acquired be valued as vacant ground, whichever course he may consider more advantageous to him.

One-fourth of the value of the trees was, in the circumstances of the case, treated as the cost of rearing.—

32 T. L. R., *90* (6 T. L. J., *155*).

10. The land acquired by the Sirkar was fit only to be used as granite quarries and a portion of it was being used as such also. The Land Acquisition Officer fixed the amount of compensation for the whole land upon the capitalised amount of the rent which was actually received from the used quarries, holding that, though the quarries might gradually develop and a larger area than was then actually worked might be worked, the market-value had to be calculated on the basis of existing conditions and income.

Held.—The right if not the only method of proceeding was to estimate the rent at which possibly the whole plot might be leased on the basis of how much rent a portion of the plot when leased for quarries had in fact obtained for the owner.—

34 T. L. R., *165*.

11. In proceedings under the Land Acquisition Regulation, the Special Officer made an award that two-thirds of the compensation amount should be paid to defendants 1 and 2 and the balance to the third defendant. The latter contended that the first two defendants were not entitled to any portion of the compensation money as, according to him, they were utter strangers to the Tarwad. The Special Officer made a reference to the District Court. The plaintiffs, junior members of the 2nd defendant's Tarwad, sued for a declaration that defendants 1 and 2 were not entitled to any portion of the compensation money on the same grounds as were mentioned by the 3rd defendant in his application before the Special Officer. Defendants 1 and 2 contended that the adjudication under the Land Acquisition Regulation concludes the parties and that it operates as *res judicata* to the suit filed by the plaintiffs.

Held.—Where a case has been decided by the Special Officer in respect of matters arising under the Land Acquisition Regulation, it cannot be made the subject-matter of fresh proceedings in the ordinary course.— 8 T. L. J., 477.

12. The 1st defendant executed a hypothecation bond in favour of two strangers who sued thereon and obtained a decree charging the whole of the hypotheca. Prior to the date of the suit which resulted in that decree, but after the date of the hypothecation bond, a portion of the hypotheca was assumed by the Government under the Land Acquisition Regulation and compensation thereof awarded to the 1st defendant who alone was a party thereto. The hypothecatees were not parties to the acquisition proceedings and no notice was given them by the Government. The hypothecator executed a sale-deed whereby he conveyed his right to such compensation in favour of 2nd defendant. In execution of the decree on the hypothecation bond, the whole of the property including the portion assumed by the Government was sold and purchased by a stranger who transferred his rights to the plaintiff. The latter brought the suit against the hypothecator and his assignee (defendants 1 and 2) for recovery of the compensation money awarded to the 1st defendant, alleging that he had failed to obtain possession of the portion of the land assumed by the Government. The Courts below dismissed the suit on the ground that the purchase by the plaintiff had not constituted him the owner of the money claimed.

Held (on second appeal).—The suit should be allowed.

Per Raman Tampi J.—It is a well-established rule of law that the right of the owner of the property generally, and therefore of one who has a pledge or security thereon, is not destroyed by the mere transmutation of the subject-matter into a different form without his assent. Thus, when the mortgaged property is turned into money or a claim for money in any way, as for instance, by the taking of the property for public use, the rights of the mortgagee remain unaltered, and he is entitled to have the money in place of the land applied to the payment of his claim. The mortgagee has such an interest in the mortgaged property as to entitle him to notice as an owner within the meaning of statutes governing proceedings for acquiring land by the right of eminent domain. If the mortgagee is not given an opportunity to assert his rights, the better opinion is that he may proceed to foreclose against the land, as if it had never been condemned, in case the remainder of the land proves insufficient to satisfy the mortgage debt. 'It is hardly necessary to point out that, if the mortgaged property is converted into money under circumstances which would prevent the mortgagee from following such property, the security would attach to the money, unless the conversion is attributable to the default of the mortgagee.' It goes without saying, therefore, that the holders of the hypothecation bond who were deprived of all opportunities to assert their rights before the Land Acquisition Officer and had no notice of the proceedings, were entitled to sue on the bond and bring to sale the whole of the hypotheca. But they and the auction-purchaser had no right, however, to obtain possession of the portion of the land assumed by the Government, inasmuch as the latter had, under statutory authority, converted such land into money by awarding compensation therefor.

The execution sale of the hypotheca must under the circumstances be treated as a conveyance not only of the land which the 1st defendant was in possession of, but also of the money awarded as compensation to him in substitution of that part of the hypotheca which Government assumed.

Per Palpu Pillai, J.—Where a property covered by a mortgage is under the Land Acquisition proceedings converted into money, the lien which was attached to the

RULES AND NOTIFICATIONS.

I. RULES.

(1)

Passed under Section 41 of the Land Acquisition Regulation, XI of 1089, with the sanction of His Highness the Maha Raja, under date the 16th December 1914/1st Dhanu 1090. †

[As amended.]

PART I.

Proceedings in Acquisition.

1. The first step in the institution of proceedings for acquisition of land under the Regulation is the issue of a declaration under Section 6 of the Regulation,

To enable the Government to issue such declaration, an order is issued in the first instance to the Division Peishkar to prepare and submit a draft declaration embodying the particulars required under Section 6, Clause 2.

2. On receipt of the requisition from Government for sending up a draft declaration as aforesaid, the Division Peishkar shall cause a statement to be prepared giving details as to the description, boundaries and area of the land required as well as the trees and buildings standing thereon and the estimated cost of its

property is transferred to the compensation money standing to the credit of the mortgagor; and the mortgagee-decree-holder is entitled to obtain through the Court satisfaction of the decree out of the compensation money which represents the mortgaged property.—

38 T. L. R., *268* (12 T. L. J., *323*).

13. The rate at which the nearest lands with similar advantages have been sold within a short period before, and within a few months after, the Notification for acquisition is issued, should be taken into consideration.

Another principle which should be taken as guide is what is known as the principle of reinstatement. "There are cases where the income derived or probably to be derived from land does not constitute a fair basis in assessing the value to the owner ; in such cases, the principle of reinstatement is applied. This principle is that the owner cannot be placed in as favourable a position as he was in before the exercise of compulsory powers, unless such a sum is assessed as will enable him to replace the premises or lands taken, by premises or lands which would be to him of the same value. The principle may be called in aid when the land is used for some particular purpose, generally not of a commercial nature, such as churches, schools, hospitals, &c."—

42 T. L. R., *307* (17 T. L. J., *843*).

14. See Vol. II, P. 413.—

37 T. L. R., *292*.

" P. 909.—35 T. L. R., *72*.

† *T. G. G. dated 29-12-1914, Pt. I, Pp. 4269-4272.*

acquisition. This statement shall be prepared by the Tahsildar or Deputy Tahsildar of the Taluk in which the land is situate; when the statement is prepared by the Deputy Tahsildar, it should be scrutinised by the Tahsildar after inspection of the land. The statement shall be prepared in Form A appended to these Rules. It shall be examined by the Division Peishkar, who shall, after satisfying himself that the valuation is reasonable and fair, send it up to Government with a draft declaration in Form B.

[In any case in which the Government consider the valuation of the lands to be excessive, or for any other sufficient ground, they may arrange for the valuation statement being referred to the Chief Engineer, or the Head of the Department concerned before ordering the publication of the declaration in the Gazette.] (a)

[*Note.*—In regard to the valuation of land and trees, if the value of the trees is allowed on the ground of their being yielding ones, a corresponding deduction at the rates specified in the Schedule attached to these Rules for each tree of the taxable species should be made in the area of the land for calculating the ground-value. In regard to other trees also, the deduction should be made on the analogy of the taxable trees.] (*b*).

3. [The Government, after examining the details furnished in the valuation statement, and, after considering the opinion of the Chief Engineer or the Head of the Department concerned if it has been called for under Rule 2, may issue the declaration under Section 6 or may cancel their original order for acquisition as they may think fit.] (c)

4. After the declaration has been issued under Section 6, the Government will, under Section 7 of the Regulation, direct the Division Peishkar to take order for the acquisition of the land and also return to him the valuation statement prepared in Form A.

5. On receipt of orders from Government the Division Peishkar shall proceed to acquire the land.

6. The Division Peishkar shall issue and publish the notice required under Section 9 of the Regulation in Form C appended. He shall send the notice direct to the Government Press for publication in the Gazette.

[6-A. After the declaration under Section 6 is published in the Gazette there should be no delay whatever in the conduct of the acquisition proceedings and settlement of compensation, all opportunities for speculative enhancement of prices which often occur owing to the lengthy and dilatory proceedings, being averted. Unless the circumstances are exceptional, the time for settlement of compensation

(a) Added by Govt. Notifn. No. L. R. 2357/502 dated 20th March 1920.—*T. G. G. dated 6-4-1920, Pt. I, P. 354.*

(b) Added by Govt. Notifn. No. L. R. 11063/502, dated 17th November 1920.—*T. G. G., dated 30-11-1920, Pt. IV, L. R. Dept., P. 617.*

(c) Substituted by Govt. Notifn. No. L. R., 2357/502 dated 20th March 1920.—*T. G. G., dated 6-4-1920, Pt. I, P. 354.*

should not exceed three months and, where for extraordinary reasons this limit is exceeded, the reasons for the delay should be clearly explained. This direction should be strictly followed by the Acquisition Officers, and any delay on their part in settling the compensation after acquisition is sanctioned by Government will be severely noticed.] (*a*)

[6-B Section 40 of the Land Acquisition Regulation requires that notices to be issued under the Regulation should be signed by the Division Peishkar himself. The Head Clerks of the offices of the Division Assistants are hereby empowered to sign "*By order*" copies of records required to be furnished in enquiries connected with Land Acquisition cases on the file of the Division Assistants.] (*b*)

7. The Division Peishkar or other acquiring Officer duly empowered under the Regulation is, in no sense of the term, a judicial Officer; nor is the proceeding before him, in which he makes his award, a judicial proceeding. The enquiry and valuation made by him are departmental in their character, for the purpose of enabling the Government to make a tender through him to the persons interested, and it is incumbent on him, before making his award as to the compensation to be offered, to consider all available information on the question.

8. [In determining the amount of compensation which should be allowed for the land, the acquiring Officer should not restrict himself merely to the consideration of such evidence as may be adduced by the claimants, but should *make independent enquiries and* do his best to obtain any reliable information that may be forthcoming as to the real market value of the land. It is not merely the recent purchase price of land in the neighbourhood similarly cultivated or improved that should be taken into account. Careful attention should also be given to such considerations determining value as similar advantages of situation, corresponding area, existing demand and saleability.

Note.—A small parcel of land usually commands a larger price than a larger block in the same neighbourhood: and the price paid for the former would not be a fair value per acre to be set up in the case of the latter. Again, a site with a good road-frontage is of greater value than a plot without direct access to good communications.] (*c*)

9. The acquiring Officer should pay special attention to the directions given in Sections 22 and 23 of the Regulation, and have regard to the general principles recognised by the Courts in determining the market-value of land.

[9-A. (i) When Sri Pandaravaga Thanathu lands are acquired for Government purposes, the compensation should be wholly paid to the Sri Pandaravaga Department. When Sri Pandaravaga Pattom, Otti, &c., lands for which Pattas have been given to tenants, are acquired for Government purposes, the compensation for acquiring the tenant's rights should be awarded to the tenant concerned. In

(*a*) Added by Govt. Notifn. dated 18th September 1926.—*T. G. G., dated 21-9-1926, Pt. IV, L. R. Dept., P. 137.*

(*b*) Added by Govt. Notifn. Dis. No. 3231 Revenue dated 4th March 1922.—*T. G. G., dated 21-3-1922, Pt. IV, L. R. Dept., P. 230.*

(*c*) Substituted by Govt. Notifn. dated 18th September 1926.—*T. G. G., dated 21-9-1926, Pt. IV, L. R. Dept., P. 137.*

addition to this, the right of the Sri Pandaravaga Department to the rent on the lands should be acquired by paying to the Sri Pandaravaga 25 times the annual rent as the capitalized value of the right. The lands acquired will, after acquisition, be declared Poramboke.

(ii) When Kandukrishi lands are acquired for Government requirements, no compensation need be awarded for the Crown's right in it. Awards need be passed only to compensate private rights in them.

(iii) When, however, Kandukrishi lands (or other lands) charged with *Varom* to the Sri Pandaravaga Department are acquired, the Sri Pandaravaga Department should be paid 25 times the annual *Varom* as the capitalised value of the right. The *Varom* should not be retained as a permanent and recurring charge on the Kandukrishi revenue.

(iv) Public works for which land is required by Government in any Department may be productive or non-productive. In the case of the former such as Railways, Irrigation works, &c., the capitalised value equal to 25 times the assessment of the occupied land required or of the unoccupied land appropriated for the purpose, should be added to the estimated cost of works so that the return to Government from such works may be correctly calculated.] (*a*)

10. [The party who is not satisfied with the award made by the acquiring Officer is at liberty to obtain an adjudication by a competent Civil Court by desiring a reference to such Court under Section 18 of the Regulation. But, on the other hand, Government have no such option and are bound by the acquiring Officer's award so far as they are concerned. It, therefore, behoves the acquiring Officer, in such cases, to take special care that the value fixed is not dis-proportionate to the real market-value of the land, so much so that, in cases of doubt and where the estimate of value made by the Departmental Officers differs greatly from the value put on the property by the owner, it is *advisable* to keep the valuation at as moderate a figure as possible and to leave the party to demand a reference to a Court than to award an excessive compensation and tie the hands of Government.] (*b*)

[10-A. When the award of an acquiring Officer is referred to a Civil Court under Section 18 of the Regulation, care should be taken that reliable evidence is, as far as possible, adduced before the Court in support of the grounds on which the award is based and ordinarily some responsible Revenue Officer not below the rank of a Taluk Head Clerk who has himself seen the land should among others be called in as witness.

When the sum involved is considerable or the compensation is claimed at very high rates, the case should be watched by the Division Peishkar. A special report should be made to the Land Revenue Commissioner in cases which are of

(*a*) Added by Govt. Notifn. dated 18-9-1926.—*T. G. G., dated 21-9-1926, Pt. IV, L. R. Dept., P. 137.*

(*b*) Substituted by Govt. Notifn. dated 18-9-1926.—*T. G. G. dated 21-9-1926, Pt. IV, L. R. Dept., P. 137.*

serious importance owing to the amount involved or the likelihood of the Court's award forming a precedent detrimental to Government interests in the event of land having to be acquired subsequently for Government in the neighbourhood.] (a)

11. [The amount of compensation awarded in one case is certain to be relied on as a precedent in the case of subsequent acquisitions, and a mistake once committed is thus apt to serve as a cause of future loss to Government and as an impediment to the acquisition of lands in the locality. Government consider it desirable therefore that the acquiring Officer, if he is not a Division Peishkar, should consult the latter in any doubtful or difficult case before making the award. In particular he should refer to him any case in which he proposes to award more than 10 per cent. in excess of the original estimate or more than Rs. 1,000. He must also refer his proposed award in any case which the Division Peishkar by special order requires him to do so, and, in all cases where a reference to the Division Peishkar is made, the acquiring Officer should make his award according to the instructions received from the Division Peishkar. In important cases the Division Peishkar may, at his discretion seek, through the Land Revenue Commissioner, the orders of Government before the award is made.] (b)

12. Whenever land which does not already vest in Government is permanently required for a public purpose, it should invariably be acquired under the Regulation as such acquisition confers an indefeasible title. In acquiring land for temporary occupation also, the Regulation should be applied whenever practicable.

13 [Even in cases where land is voluntarily offered by its owners for a public purpose, the land should be acquired under the Regulation on payment of nominal compensation, the object being to secure an indefeasible title to the land.] (b)

14. Division Peishkars should not ordinarily take possession of the land before all the preliminary steps prescribed by the Regulation have been taken. This is so the more especially in view of Section 34 of the Regulation which secures for Government the liberty to withdraw from acquisition (on account of excessive cost or otherwise) when possession has not been taken.

15. [As soon as an award is made, the Division Peishkar, or other acquiring Officer duly empowered under the Regulation should intimate the fact to the Head of the Department concerned, and forward to him a copy of the award statement together with a detailed valuation statement as per Form A appended to these Rules. The Division Peishkar or other acquiring Officer shall also arrange for the land being put in possession of the Head of the Department concerned, or any subordinate Officer deputed by him for the purpose.] (c)

(a) Substituted by Govt. Notifn. dated 18-9-1926—*T. G. G., dated 21-9-1926, Pt. IV, L. R. Dept., P. 138.*

(b) Substituted by above Notification.

(c) Inserted by Govt. Notifn. No. L. R. 2357/502 dated 20th March 1920.—*T. G. G., dated 6-4-1920, Pt., I, P. 354.*

16 An award made by a Division Peishkar under Section 11 and duly announced under Section 12 of the Regulation, should not be revised or amended by him even though the persons interested may consent to the revision or amendment.

PART II.

Payment of Compensation.

17. The payment of compensation should be made as soon after the declaration of the award as possible, as under Section 31 of the Regulation, interest at 6 per cent. per annum is payable on the amount of compensation for the interval between the date of occupation and the date of payment. Accordingly, the Division Peishkar or other Officer duly empowered should, immediately after making an award under Section 11, tender payment of compensation to such of the persons entitled thereto as are then present either personally or by their representatives.

18. To those who are not so present, a notice should at once be sent through the Tahsildar of the Taluk in which they reside intimating the fact that an award has been made and stating that, unless the amount awarded is claimed by the party either personally or through a duly authorised agent within a time to be specified, the money will be placed in deposit and will bear no interest. The notice should be served in the manner prescribed in Section 40 of the Regulation.

19. If the Division Peishkar's tender is accepted by the parties present, or if the parties afterwards appear before him in person or by duly authorised agents to take payment, whether in pursuance of the notice served or otherwise, the Division Peishkar shall make the payment by an order on the Treasury.

20. If the parties do not take payment within the time specified and do not apply for a reference to the Court under Section 18 of the Regulation, the compensation money should be placed in Revenue deposit.

21. If the parties refusing payment desire a reference to the Court or if there be no person competent to alienate the land or if there be any dispute as to the title to receive compensation or as to the apportionment of compensation, the amount awarded for the land must be deposited in the Court under Section 28 (2) of the Regulation. Section 27 merely provides that, in certain circumstances, the acquiring Officer need make no apportionment of the compensation in his award but may leave it to the Court to do so. It does not allow him any discretion in regard to depositing the compensation in Court in disputed cases. Under Section 28, he is bound to make the deposit in every disputed case, *i. e.*, every case in which owing to any of the circumstances specified in the Section, he cannot make a complete award, which is accepted at least under protest by all the parties. He must, in such cases, deposit in the Court the entire compensation in the case though some of the parties may have accepted the award.

22. Detailed instructions regarding the procedure to be followed by Land Acquisition Officers and Treasury Officers in the payment of compensation awarded under the Regulation are contained in the Account Code, Appendix III.

[PART III.

Procedure for Acquiring Service Inam lands.

23. In acquiring Service Inam lands, in which the actual holder has only a life interest or the profits of which are assigned as remuneration for an officiator, the award of a lump sum as compensation is inappropriate and should not be adopted as such an award would diminish *pro tanto* the remuneration available for future service. In such cases, an agreement under Sub Section 3 of Section 28 of the Regulation should be made with the person or persons interested for the grant of other lands in exchange.

24. As a rule the land selected to be given in exchange should be assessed Government waste. But when no suitable land is available, the amount of compensation awarded may be applied in purchasing occupied unalienated land to be assigned in exchange In exceptional cases where it will be less expensive to allow some unalienated land already belonging to the holder to be converted into 'Inam', than to purchase other land for the purpose, the exchange may be permitted and the person enjoying the Inam paid the value of the land so selected in addition to any benefits that he may derive from the treatment of the land as 'Inam.'

25. When the estimated value of the land selected to be given in exchange is equal to that of the original Service Inam, the former will be converted into Inam subject to the payment of the original quit-rent (*Rajabhogam*).

26. When the estimated value of the land selected to be given in exchange exceeds that of the original Service Inam, the difference between the estimated value of the two lands will be levied as additional quit-rent together with the original quit-rent.

27. When the estimated value of the land selected to be given in exchange is less than that of the original service Inam, the original quit-rent will be reduced by the difference between the estimated value of the two lands, and if the difference exceeds the original quit-rent, the amount required to make up the deficiency in the profit will be paid in cash annually.

28. In cases where the claimants concerned refuse to accept the land or allowance offered under the aforesaid Rules, the Division Peishkar shall obtain the orders of Government and make an award of a lump sum and shall, whether or not the claimant applies for reference to the Court, deposit the amount so awarded in Court under Sub-section (2) of Section 28. In making the deposit or where the claimant applies for a reference to the Court, the Division Peishkar shall draw the Court's attention to the fact that the land is service land and move the Court to order the amount awarded to be invested and otherwise dealt with in the manner provided in Sections 29 and 30, so as to secure it for the benefit of all those persons

who would, from time to time, have been entitled to receive the profits of the acquired land. Should the Court fail or refuse to comply with the request, the Division Peishkar shall take steps for filing an appeal on the point.] (a)

SCHEDULE.

Serial No.	Kind of trees.	Minimum number of trees to the acre.	Extent of space allowed per bearing tree.
1	Cocoanut ...	100	1 cent.
2	Areca ...	800	1/8 ,,
3	Jack ...	50	2 ,,
4	Palmyra ...	500	1/5 ,,
5	Punna ...	50	2 ,,
6	Tamarind ...	50	2 ,,
7	Mango ...	50	2 ,,] (b)

Form A.

Statement showing the approximate amount of compensation for lands proposed to be acquired for.........(Here enter description of work).

Serial No.	Taluk.	Village.	Survey.		Tenure.	Land.							
			No.	Sub-division No. or letter.		Area acquired.		Rate per acre.			Amount of estimated compensation.		
						A.	C.	Rs.	Ch.	C	Rs.	Ch.	C.
1	2	3	4		5	6		7			8		

Trees.					Buildings.				Total of columns 8, 11 and 13.			Name of pattadar.	Name of the person in possession.	Remarks.
Description.	No.	Amount of estimated compensation.			Description.	Amount of estimated compensation.								
		Rs.	ch.	c.		Rs.	Ch.	C.	Rs.	Ch.	C.			
9	10	11			12	13			14			15	16	17

(a) Added by Govt. Notifn. dated 18th September 1926.—*T. G. G., dated 21-9-1926, Pt. IV, L. R. Dept., P. 138.*

(b) Schedule added by Govt. Notifn. No. L. R. 11063/502 dated 17th November 1920.—*T. G G., dated 30-11-1920, Pt. IV, L. R. Dept., P. 617.*

Form B.

Declaration.

Under Section 6 of Regulation XI of 1089, it is hereby declared that .... (here enter area, in acres and cents or square feet) of land in .... Survey Nos. in the .... Pakuthi................... Taluk are required for......................(here enter description of the work or purpose for which the land is to be acquired).

The plan of the lands proposed to be acquired is available for inspection at the office of............................

Station.................. }
Date.................... }

Chief Secretary to Government.

Form C.

Notice under Section 9 of Regulation XI of 1089.

Whereas the Government have resolved to acquire and intend to take possession of the lands mentioned in the sub-joined schedule for... .... (here enter purpose for which acquisition is ordered), all persons claiming any interest in the said lands are hereby required to appear before this office on ....(date), either in person or by agent, to state to the undersigned the nature of their respective interests in the lands, particulars of their claims to compensation for such interests, and the amount of compensation which they may claim.

Office .... }
Station................. Date............ }

Division Peishkar.

SCHEDULE.

Serial No.	Taluk.	Pakuthi.	Survey No.	Tenure.	Area.			Name of Pattadar.	Name of person in possession.
					Acre.	Cents	Sq. links.		

Note.—1. A definite date should be mentioned and the date so mentioned must be after a full period of 15 days after the date of the Gazette in which the notice appears.

2. In cases in which the urgency Clause of the Regulation is ordered to be put in force by Government, the following shall be inserted as an additional para in the above notice :

"It is further notified that Government having sanctioned the acquisition of the lands under Section 17 of the Regulation, the lands will be taken possession of immediately on the expiration of fifteen days from the date of publication of this notice in the Gazette."

(2)

Rules *re* Land Acquisition.

[From the Civil Courts Guide.]

Cause-title.

"390. The cause-title of references made by Division Peishkars to District Courts under Sec. 19 of the Land Acquisition Regulation (XI of 1089) shall be "Compensation Reference No...... of 109 ."

Register.

"391. A separate Register in Appendix III, Form No 87, shall be maintained therefor.

Nomenclature of parties.

"392. The party at whose instance the reference has been made shall be designated as the plaintiff and the other parties, including the Sirkar, as defendants.

Court fee.

"393. No Court fee is leviable on the reference from any party.

Vakil's fee.

"394. In such references Vakil's fee should be allowed, the same being calculated as in Civil suits of the same magnitude, that is to say, the reference shall be treated as a suit of the value of the amount in dispute, *i. e.*, the difference between the sum offered by the Sirkar and that claimed by the party.

Notice.

"395. Notice under Section 20 of the Land Acquisition Regulation shall be issued free of charge."

II. GOVERNMENT NOTIFICATION.

(No. 6815 L. R., dated the 9th November 1917.)

Under Section 3, Clause (*c*), of the Land Acquisition Regulation (XI of 1089), the Assistant Commissioner, Devicolam, is empowered to exercise the powers of a Division Peishkar under the Regulation.—

T. G. G, dated 13-11-1917, Pt. I, P. 1214.

REGULATION XII OF 1089.[(a)]

THE GAME AND FISH PROTECTION REGULATION.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement 1
2. Repeal of enactment.
3. Application of Regulation 2
4. Close time 3
5. Saving 8

Provisions as to Licenses.

6. Grant of license.
7. Cancellation of license.
8. Period of, and fees for, licenses.
9. Duty of license-holders to produce and deliver up licenses.
10. Duty of certain license-holders to keep account of game killed.
11. Effect of license under Forest enactment.

Penalties.

12. Penalty for contravention of the Regulation or Rules, &c. ... 4
13. Confiscation 5
14. Cognizance of offences 6
15. Presumption of commission of certain offences.
16. Duty of Court as regards cancellation of licenses.
17. Power of seizure when offence committed in presence of certain Officers and persons.
18. Power of seizure in case of reasonable suspicion.

Miscellaneous.

19. Power of Government to make Rules.

Schedule.

(a) Amended by Regulation VI of 1091. Repealed by Regn. XI of 1097 in so far as it relates to fish.

The figures on the right refer to the corresponding Sections of the Indian Wild Birds and Animals Protection Act, VIII of 1912, which consists of 8 Sections.

A Regulation to make better provision for the Protection and Preservation of Game and Fish

Passed by His Highness the Maha Raja of Travancore on the 10th August 1914 corresponding with the 26th Karkatakom 1089, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to make better provision for the Protection and Preservation of Game and Fish; It is hereby enacted as follows:—

Game law: In the year 1073 M. E., a Game Preservation Regulation (III of 1073) was passed to provide for the protection of certain wild animals and birds. It was stated that the game of the Travancore jungles was threatened with early extinction by the indiscriminate slaughter to which it was exposed. The Regulation was based on the Madras Act, II of 1879, which was enacted to provide for the protection of game and acclimatised fish in the District of Nilgiris. The Regulation was a small one consisting of seven Sections. It defined game, and also close season in respect of certain animals and feathered game, and confined the operation of the law to a limited and specified tract. After the lapse of 16 years, it was superseded by the existing Regulation.

Regn. XII of 1089: I. *Objects and Reasons.*—"The Travancore State abounds in forests and has long been famous for its game. To preserve it, it is necessary to make provision for the better protection of game. The existing Regulation, III of 1073, is found to be inadequate, and the present draft Bill is prepared in a consolidated and amplified form to meet the above requirements."— *S. O & R.*

II. Leave to introduce the Bill was granted at the meeting held on 31-8-1911 (*T. G. G., dated 19-9-1911*). The Bill was published on 12-3-1912, and was introduced in the Council and referred to a Select Committee on 28-5-1912 (*T. G. G., dated 4-6-1912*). The Committee's Report was published on 17-9-1912, and was presented to the Council on 5-12-1912 (*T. G. G., dated 17-12-1912*). At the meeting held on 26-2-1913, the Official Member in charge said that it was desirable to revise the Bill on the lines of the Wild Birds and Animals Protection Act, VIII of 1912, recently passed by the Imperial Legislative Council. On his motion, the Bill was, therefore, recommitted to a Select Committee (*T. G. G., dated 4-3-1913*). The Committee's Report was published on 24-6-1913, and was considered by the Council on 5 & 6-9-1913 (*T. G. G., dated 30-9-1913*). The Bill was finally read and passed on 10-6-1914 (*T. G. G., dated 23-6-1914*). The Regulation was published in the Gazette dated 8-8-1914.

Regn. VI of 1091: I. *Objects and Reasons.*—"When Regn. XII of 1089 was passed, the Fishery Department had not been organised. In the case of fish, it is desirable that Officers of the Fishery Department should have power to call for the production of licenses and accounts for inspection. It may, in the working of the Regulation, be found necessary that other Officers should have similar powers. Hence the proposed amendments."— *S. O & R.*

II. The Bill was published in the Gazette dated 1-2-1916. It was introduced in, and considered by, the Council on 4-3-1916. It was not referred to a Select Committee, as it was a very small amending Bill (*T. G. G., dated 14-3-1916*). The Bill was finally read and passed on 20-6-1916 (*T. G. G., dated 18-7-1916*). The Regulation was published in the Gazette dated 1-8-1916.

1. (1) This Regulation may be called "The Game and Fish Protection Regulation."

Short title, extent and commencement.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may by Notification in the Government Gazette, prescribe in this behalf.

2. (1) On and from the day that this Regulation comes into force, Regulation III of 1073 shall be repealed.

Repeal of enactment.

(2) But all appointments, Notifications, Rules and orders made under the Regulation hereby repealed, shall be deemed to have been respectively made under this Regulation, except in so far as such appointments, Notifications, Rules and orders may be inconsistent herewith.

(3) References made to Regulation III of 1073 hereby repealed, shall be read as if made to the corresponding Sections of this Regulation.

3. (1) This Regulation applies in the first instance to the birds and animals while in their wild state, specified in the Schedule, and to fish.

Application of Regulation.

(2) Our Government may, by Notification in the Government Gazette, apply the provisions of this Regulation to any kind of wild bird or animal other than those specified in the Schedule, which in their opinion it is desirable to protect or preserve.

4. Our Government may, by Notification in the Government Gazette, declare the whole year or any part thereof to be a close time throughout the whole or any part

Close time.

Sec. 1 (3): By Government Notifn. No. 4089/F. & M. R., dated 2nd October 1915, the Regulation came into force from the 1st Vrischikom 1091.—*T. G. G., dated 12-10-1915, Pt. I, P. 1680.*

Sec. 3: (1) Sec. 2 of the Indian Act (VIII of 1912) which is adopted as Sec. 3 of the Regulation refers only to birds and animals when in their wild state. Fish is excluded from that Act. Nor was fish included in Regn. III of 1073. The Bill which became that Regulation, took in also fish, as the fish of the jungle streams was exposed to uncontrolled destruction. But the Select Committee which reported on that Bill considered that "no immediate or urgent necessity existed for protecting fish in the manner contemplated by the Bill, and that legislation on the subject might well be postponed. They therefore expunged from the Bill all references to fish"—

S. C. R. Pr., 2 (T. G. G., dated 8-10-1894.

(2) Fish was for the first time included in the Bill which was passed as Regn. XII of 1089. When the Bill was being considered by the Council, objection was taken to the inclusion of fish; but the President observed, fish which was largely used for food and manure, formed a mine of wealth and it needed protection. The sense of the meeting was against the omission of fish from the Bill.—*L. C. P., dated 5-9-1913.*

of, or any place in, Travancore, for any kind of wild bird or animal or fish to which this Regulation applies or for female or immature wild birds or animals of such kind; and subject to the provisions hereinafter contained, during such close time and within the areas specified in such Notification, it shall be unlawful, except under a license and in the manner and extent permitted thereby,—

(a) to capture any such bird, animal or fish, or kill any such bird or animal which has not been captured before the commencement of such close time;

(b) to sell or buy, or offer to sell or buy, or to possess, any such bird, animal or fish, which has not been captured before the commencement of such close time, or the flesh thereof; or

(c) if any plumage has been taken from any such bird captured or killed during such close time, to sell or buy, or to offer to sell or buy, or to possess, such plumage.

Saving.

5. Nothing in this Regulation shall be deemed to apply to the capture or killing of any wild animal for the destruction of which a reward may be claimed from Our Government, or of any wild animal by any person in defence of himself or any other person, or to the capture or killing of any wild bird or animal in *bona fide* defence of property.

Provisions as to Licenses.

Grant of license.

6. (1) Our Government may, from time to time, by Notification in the Government Gazette, make Rules to determine the Officers by whom, the form in which, and the terms and conditions subject to which, any license shall be granted, and may, by such Rules, among other matters, specify—

(a) the area within which it is to be in force;

(b) the instruments which may be used under it;

(c) the kinds of game or of fish which may be captured or killed;

Sec. 4: (1) The words—"except under a license and in the manner and extent permitted thereby"—do not occur in Sec. 3 of the Imperial Act which is reproduced here. The provision of license was introduced for the first time in the existing Regulation.

Sec. 5: This reproduces Sec. 8 of the Indian Act, with the addition of the words—"of any wild animal for the destruction of which a reward may be claimed from Our Government."

such license to the Division Peishkar, or to any authority empowered to grant such license, or to the principal Police-Officer in the District or Town in which he then is.

Duty of certain license-holders to keep account of game killed.

10. Every holder of a license granted under this Regulation, limiting the number of head of any specified kind of animal which the holder may kill, shall—

(*a*) keep an account of all such head actually killed by him, showing the sex of each and the date upon and the place at which it was killed;

(*b*) produce such account on being required to do so by Magistrate or by any Police-Officer not below the rank of a Sub-Inspector or, within a forest, by any Forest Officer not below the rank of a Deputy Ranger [or by any other person authorised in this behalf, by name or in virtue of his office, by Our Government]; and

(*c*) upon the expiry of the period for which his license was granted, or upon his leaving Travancore not intending to return within the period of the license, deliver up such account, together with his license, to the Division Peishkar, or any authority competent to issue such license, or the principal Police-Officer in the District or Town in which he then is.

Effect of license under Forest enactment.

11. Every license granted under the provisions of any enactment relating to forests for the time being in force, which permits any person to capture or kill game, shall have the effect of a like license granted under this Regulation.

Penalties.

Penalty for contravention of the Regulation or Rules, &c.

12. (1) Whoever does any act or attempts to do any act in contravention of the provisions of this Regulation or of any Rules passed thereunder or in violation of any of the terms and conditions of the license issued under this Regulation shall, on conviction, be liable to a fine not exceeding five hundred rupees.

Sec. 10: The bracketed words in Clause (*b*) were added by Sec. 2 of Regn. VI of 1091. See Statement of Objects and Reasons, *Supra*.

Sec. 12: In the Bill as amended by the second Select Committee, the penalty provided for a conviction was fine not exceeding one thousand rupees, and for every subse-

(2) Whoever, having been already convicted of an offence under this Regulation, is again convicted thereunder shall, on every subsequent conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Confiscation.

13. When any person is convicted of an offence punishable under this Regulation, the convicting Magistrate may direct that any bird or animal or fish in respect of which the offence has been committed, or the flesh or any part of such bird or animal or fish, together with the instruments or dogs or other animals, if any, with which the offence was committed, shall be confiscated.

Cognizance of offences.

14. No Court inferior to that of a Magistrate of the Second Class shall try any offence under this Regulation or the Rules framed thereunder.

Presumption of commission of certain offences.

15. (1) Where any person is found in possession—

(a) of any game recently captured or killed in any area within a period during which its capture or killing is absolutely prohibited within such area by a Notification under Section 4, or

(b) of any fish in the vicinity of any area within a period during which its capture or killing is absolutely prohibited in such area by a Notification under Section 4,

the Court shall presume that he has committed an offence punishable under Section 12, Sub-section (1).

(2) Where any person is found carrying any game or fish recently captured or killed, together with any fire-arms or instruments with

---

quent conviction, "imprisonment for a term which may extend to one month or two thousand rupees or both." In the Indian Act, the punishment provided is fine which may extend to fifty rupees for the first conviction, and for every subsequent conviction, imprisonment up to one month, or fine up to one hundred rupees, or both.

When the Bill was considered by the Council, a proposal was made to reduce the amount of fine provided for. The Member in charge stated that a heavy maximum fine was prescribed in each of the two Sub-sections to meet the cases in which the game unlawfully destroyed happened to be elephants. On the suggestion of the President, the penalty was reduced by fifty per cent, *viz.*, rupees five hundred in Sub-sec. (1) and one thousand in Sub-sec. (2).—

L. C. P., dated 6-9-1913.

Sec. 13: The words—"together with the instruments or dogs......was committed"—do not occur in the Indian Act.

That Act contains the following Sub section:—"(2) Such confiscation may be in addition to the other punishment provided by Sec. 4 for such offence."

which such game or fish could be so captured or killed, the Court shall presume that he has captured or killed such game or fish with such fire-arms or instruments

Duty of Court as regards cancellation of licenses.

16. When the holder of a license granted under this Regulation has been convicted of an offence thereunder, the convicting Court shall send a copy of its judgment, together with the license (if before the Court) to the nearest authority empowered to cancel the license under this Regulation, for such action as such authority may deem fit.

Power of seizure when offence committed in presence of certain Officers and persons.

17. Where any person commits an offence against the provisions of this Regulation in the presence of a Magistrate or Police-Officer, or, within a forest, of a Forest Officer, or of any other person authorised in this behalf [by name or in virtue of his office] by Our Government, such Magistrate, Officer or person may seize the game or fish, if any, captured or killed, and any arms or other instruments or any dogs or other animals, used in the commission of such offence, and shall send them without unnecessary delay, together with a report of the circumstances, to a Magistrate competent to take cognizance of the alleged offence.

Power of seizure in case of reasonable suspicion.

18. (1) Where any person is found carrying arms or other instruments in such circumstances as to afford reasonable ground for belief that he is carrying the same with intent to use them, or that they may be used in contravention of any of the provisions of this Regulation or of any Rule made or Notification or license issued thereunder, any Magistrate or Police-Officer, or, within a forest, any Forest Officer, or any other person authorised in this behalf [by name or in virtue of his office] by Our Government, may seize the arms or instruments, and shall send them without unnecessary delay to the Division Peishkar.

(2) The Division Peishkar to whom any arms or instruments are sent under Sub-section (1) may, if satisfied, after such enquiry as he thinks fit, that there was any such intention as aforesaid, direct the cancellation of the license (if any) in respect thereof, and, in the absence of a license, confiscate the arms or other instruments aforesaid.

Sec. 17: The bracketed words were inserted by Sec. 3 of Regn. VI of 1091. See Objects and Reasons, *Supra.*

Sec. 18: The bracketed words in Sub-sec. (1) were inserted by Sec. 4 of Regn. VI of 1091. See Objects and Reasons, *Supra.*

Miscellaneous.

Power of Government to make Rules.

19. Our Government may, by Notification in the Government Gazette, make Rules to carry out the purposes of this Regulation and to provide for appeals from orders made, under this Regulation, by any person other than by a Magistrate, and such Rules, when so published, shall have the force of law.

SCHEDULE.

(1) Bustards, ducks, geese, floricans, jungle fowl, partridges, pea-fowl, pheasants, pigeons, quail, sand-grouse, snipe, spur-fowl and wood-cock.

(2) Hares, Malabar squirrels, asses, oxen, bison, buffaloes, elephants, sheep, goat, antelopes, gazelles and deer.

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 31st Karkatakam 1089 corresponding with the 15th August 1914.

Whereas an emergency has arisen which makes it necessary to control the publication in Travancore of Naval or Military news or information; We are pleased to command as follows :—

1. This Proclamation applies to the whole of Travancore.

2. It shall not be lawful to publish any information with reference to movements or dispositions of troops, ships, aircraft or war materials or to the strategic or other plans or schemes of the Naval or Military authorities of any part of the British Empire or of the Military authorities in Travancore or to any works or measures undertaken for or connected with the defence or fortification of the British Empire or any part thereof or of Travancore or any part thereof or any statement, comment or suggestions calculated directly or indirectly to convey any such information except when such information has been supplied for publication under the authority of the Governor-General of India in Council or of a Local Government in British India or of Our Government or has been approved for publication by an Officer appointed in this behalf—

(*a*) by the Governor-General of India in Council, or

(*b*) by Our Government, or

The Proclamation was published in an Extra-ordinary issue of the Gazette dated 15th August 1914.

(c) by any Officer to whom the Governor-General of India in Council or Our Government has delegated the power of such appointment.

3. The publisher and printer of any newspaper, magazine, book, pamphlet or other document by means of which any information, statement, comment or suggestion is published in contravention of this Proclamation shall severally be punishable in respect of each offence with imprisonment of either description for a term which may extend to one year, or with fine which may extend to Rs. 5,000, or with both, and any other person who sells any newspaper, magazine, book, pamphlet or other document, knowing it to contain any such information, statement, comment or suggestion, or who is otherwise knowingly responsible for the publication of any such information, statement, comment or suggestion, shall be liable to a similar penalty.

4. No Court shall proceed to the trial of any offence punishable under this Proclamation unless upon complaint made by Our Government or some Officer empowered by Our Government in this behalf.

5. No Magistrate other than a District or First Class Magistrate shall take cognizance of any offence punishable under this Proclamation.

6. (a) Any Police-Officer may seize any newspaper, magazine, book, pamphlet, or other document in which any information, comment or suggestion is published in contravention of this Proclamation and such Officer shall forward anything seized to the District Magistrate or the First Class Magistrate having jurisdiction in the place where such thing is seized.

(b) (i) Whenever any newspaper, magazine, book, pamphlet or other document is published in contravention of this Proclamation, a District Magistrate or Magistrate of the First Class may, whether the offender is convicted or not, order that all copies of such newspaper, etc., within the limits of his jurisdiction be confiscated.

(ii) A Magistrate making an order under Sub-section (i), may issue a warrant to any Police-Officer to seize and detain anything confiscated under the Sub-section and to search for such thing in any place where such thing is known or reasonably expected to be.

7. (1) Whenever a District Magistrate or Magistrate of the First Class is satisfied from a Police report or otherwise, that any information, statement, comment or suggestion is being or is likely to be published in contravention of this Proclamation within the limits of his jurisdiction,

he may issue a warrant to a Police-Officer to search for, seize and detain any document containing such information, statement, comment or suggestion.

(2) Such Magistrate may order that anything seized under a warrant issued under Sub-section (1) shall be confiscated.

8 A Police-Officer to whom a warrant under Section 7 or Section 6 is directed, may search in any place and seize and detain anything in accordance with the provisions of the warrant and shall forward anything seized to the Magistrate by whom the warrant was issued.

9. No order made, or purporting to be made, in accordance with the provisions of this Proclamation, directing or relating to the issue of a search-warrant or the confiscation of anything, shall be called in question in any Court, and no Civil or Criminal proceeding shall be instituted against any Magistrate or Police-Officer for anything done in good faith under this Proclamation or purporting to be so done.

10. Save as otherwise expressly provided, the provisions of the Code of Criminal Procedure shall apply to all proceedings under this Proclamation.

REGULATION I OF 1090.

VILLAGE PANCHAYAT COURTS REGULATION.

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. Short title and commencement.
2. Extent 2
3. Procedure in regard to suits and decrees pending in area withdrawn from Regulation 4
4. Interpretation-Clause 5
   "Village".
   "Village Panchayat Court."

The figures on the right refer to the corresponding Sections of the Madras Village Courts Act I of 1889, as amended by Act IV of 1904.

CHAPTER II.

Establishment and Constitution of Village Panchayat Courts.

Sections.

5. Establishment of Village Panchayat Courts ... 6
6. Constitution of Village Panchayat Court.
7. Appointment of President and other Judges ... 7
8. Suspension or removal of a Judge 8
9. Powers and duties of the President.

CHAPTER III.

Jurisdiction, Res-judicata and Limitation.

10. Cognizance of suits by Village Panchayat Courts ... 13
11. Jurisdiction up to Rs. 200 with consent 14
12. Court in which suit to be instituted 15
13. Suit in which Judge is personally interested ... 16
14. Res-judicata 17
15. Suit to include whole claim 18
Relinquishment of part of claim.
16. Incidental determination of matters not cognizable by Village Panchayat Courts 19
17. Limitation 20
18. Transfer of suits 21
19. Power of Court to add parties to suit.
20. Procedure upon the adding of party.

CHAPTER IV.

The Institution and Frame of Suits, Recognised Agents, the Issue and Service of Summons on Parties, Adjournments and Consequences of Non-Appearance.

21. Suits to be commenced by plaint 22
22. Particulars to be contained in plaint 23
23. Appearance in person, by agent, &c. 24
24. Summons to defendant how served 25
25. Mode of service when defendant evades service ... 26
26. Mode of service when defendant is beyond local jurisdiction of Court 27
27. Procedure if defendant does not appear 28
Defendant can claim seven days' notice of suit.

Sections.

28. Procedure where plaintiff or defendant does not appear or where summons not served through plaintiff's default ... 30
29. Procedure where plaintiff does not appear and defendant admits claim 31
30. Setting aside order under Section 28 or 29 on cause shown 32
31. Setting aside *ex-parte* decree against defendant ... 33
32. No decree to be set aside without notice to opposite party ... 34

CHAPTER V.

The Hearing, Withdrawal or Compromise of suits and the Summoning and Examination of Witnesses.

33. Procedure on appearance of both parties 35
34. Withdrawal of suit 36
35. When suit may be settled by oath 37
36. Set-off 38
37. Witnesses not present to be summoned 39
38. Summons to witness how served 40
Interrogatories when to issue.
39. Summons to appear and give evidence or produce document 41
40. Duty of persons summoned to give evidence or produce document.
41. Exemption of certain women and other persons from personal appearance 42
42. Examination of witnesses 43
43. Adjournment in view to amicable settlement or for other cause ... 44
44. Consequence of refusal of party to give evidence when called on by Court.

CHAPTER VI.

The Decree and its Execution.

45. On conclusion of hearing, Court to pass decree ... 45
46. Contents of decree 46
47. In suits for money, decree may order interest to be paid on principal sum adjudged 47
Effect where decree is silent as to further interest.
48. Procedure in case of clerical or arithmetical error found in the decree.
49. Court by which decree may be executed 48
50. Decree for specific movable how executed 49
51. Payment of money under a decree or other adjustment to be made or recorded in open Court 50
52. Judgment-debtor not to be arrested, nor immovable property attached 51

Sections.

53.	Attachment of movable property	52
54.	Property in possession of judgment-debtor ...	53
55.	Property not in possession of judgment-debtor ...	54
56.	(1) Debts how attached	55
	(2) Salaries how attached.	
57.	Private alienation of property after attachment void ...	56
58.	Investigation of claims to attached property ..	57
59.	Property to be sold not less than fifteen days after attachment, and sale to be proclaimed	58
60.	Procedure in sale	59
61.	Power to adjourn sale	60
62.	Judges and other Officers not to bid for or buy property sold ...	61
63.	Stoppage of sale on tender of debt and costs ...	62
64.	Division of proceeds of sale	63
65.	Property actually seized to be delivered to purchaser ...	64
66.	In other cases, how property delivered to purchaser ...	65
67.	Decree may be transmitted to District Munsiff for execution ...	66

CHAPTER VII.

Miscellaneous.

68.	If, on death of party to suit, application is made, legal representative of deceased may be entered on record ...	68
69.	If no application made, suit to be dismissed ...	69
70.	If more than one plaintiff or defendant, suit to proceed at instance of or against survivor	70
71.	If decree-holder die, his legal representative may be substituted	71
72.	If judgment-debtor die, decree may be executed against his legal representative	72
73.	Revision by District Court of Village Panchayat Courts' proceedings	73
74.	High Court may, and in certain cases shall, report to the Government	74
75.	Power of High Court to prescribe Forms, &c., and to inspect records	75
76.	Amount of institution fees leviable.	
77.	Power of Government to make Rules.	

Schedule I.—Suits which shall not be triable by a Village Panchayat Court.

REGULATION I OF 1090.

A Regulation to provide for the establishment of Village Panchayat Courts in Travancore

Passed by His Highness the Maha Raja of Travancore on the 11th September 1914 corresponding with the 26th Chingom 1090, under Section 13 of Regulation V of 1073.

Preamble. Whereas it is expedient to provide for the establishment of Village Panchayat Courts in Travancore; It is hereby enacted as follows:—

Regn. I of 1090: I. *Objects and Reasons.*—(1) "The Government in their Order No. J. 98 dated Trivandrum, 14th December 1911, directed "that some measure should be introduced which will appreciably reduce the number of petty suits in the Civil Courts and minimise the delay and expense involved in such litigation...............they consider that the Village Panchayat System may be given a trial in some specified areas. A Committee was appointed to frame and submit a Bill for the establishment of Village Panchayat Courts. The Committee has accordingly prepared and submitted the draft. In the report submitted by the Committee, the underlying principles of the Bill are fully explained."— *S. O & R.*

[The G. O. referred to will be found in the Appendix.]

(2) *Report of the Committee appointed by G. O. No. J. 976, dated the 8th February 1912, to frame and submit a Bill for the establishment of Village Panchayat Courts.*

1. The Committee held two meetings, the first on the 26th February 1912, at 1 P. M., in the High Court Office, at which the general principles on which the Bill should be based were decided on. Accordingly, the President drafted the Bill and copies of the same were distributed among the Members. At the second meeting of the Committee held on the 20th April 1912, at 3 P. M., the several provisions of the Bill were considered and the draft prepared by the President was adopted with a few modifications. Copy of the Bill as adopted by the Committee is appended.

2. G. O. No. 98, dated the 14th December 1911, directed that, in order to give the Village Panchayat system a trial in some specified areas, a law should be enacted on the lines of the Madras Village Panchayat Regulation, V of 1816. It will be observed that, under that Regulation, Village Munsiffs are authorized to summon Panchayats for the decision of suits for sums of money or other personal property without limitation as to amount or value, (1) at the joint request of both the plaintiff and the defendant, or (2) at the request of either party and with the consent of the other. The first point that was considered by the Committee was whether, as in the Madras Regulation, the litigants should, under the proposed law, be allowed the choice in regard to the Court to be resorted to in the matter of petty suits. If Village Panchayat Courts are established leaving it optional to the parties to resort to such Courts, the likelihood is that litigants may not fully take advantage of it and thus the object with which the law is proposed to be enacted may be defeated. The Committee are, therefore, of the opinion that the proposed law should make it obligatory on the parties to resort to the Courts created by it and that those Courts should be entrusted with the adjudication of petty suits of a specified value. The Committee also consider that the Village Panchayat Courts should have full power to summon parties and witnesses and to execute their own decrees. If, as provided in the Madras Regulation, the work of execution, &c., is to devolve on the Munsiffs' Courts, the contemplated relief to the latter Courts cannot

be attained. It has therefore been thought advisable by the Committee, while accepting the provision in the Madras Village Panchayat Regulation as to the numerical constitution of the Bench, to follow, in regard to details, the Madras Village Courts Act, I of 1889, the provisions of which are simpler and more comprehensive.

3. The Bill consists of VII Chapters. *Chapter I* deals with preliminary matters, including definitions. Section 2 contains the vital provision, authorising the Government to extend the application of the law to specified areas by Notification in the Gazette. The Committee think that, at present, there are a few centres such as the headquarters of the Revenue Divisions (excepting Devicolam), and Mavelikara, Thiruvallah and Shencottah, where Government may establish the new Courts. It also appears to the Committee that it is not desirable that practising lawyers should be appointed Judges of the Village Panchayat Courts.

4. *Chapter II* treats of the constitution of the Courts. Section 5 of the Bill enacts that a Village Panchayat Court shall consist of five Judges. One of these who is styled the President is to be given administrative powers in regard to the Court. But, unlike the Madras Regulation (V of 1816) and the Act (I of 1889), according to which the Judges are either nominated by the Village Munsiffs or elected by the parties, the Bill requires that the Judges shall be appointed by the Government. A proviso is, however, added, enabling the Government to make Rules for the election of the Judges by the people of the village or villages concerned.

5. *Chapter III* contains provisions dealing with the jurisdiction of the Courts. It is provided in Sec. 9 that all suits for money due or for personal property, the amount or value of which does not exceed Rs. 20, shall be cognizable by the Village Panchayat Courts, it being, however, competent to the Government to invest any particular Court with jurisdiction to take cognizance of suits of the value not exceeding Rs. 50. Analogous to Section 14 of the Madras Village Courts Act, Sec. 10 of the Bill provides that, with the written consent of both parties, the Village Panchayat Courts may have jurisdiction up to Rs. 200. Sec. 17 gives power to the High Court to transfer cases from a Village Panchayat Court to the District Munsiff of the place or to another Village Panchayat Court. The Madras Act gives such power to the District Munsiff of the locality. But, in view of the status of the proposed Courts and of the fact that every suit in such Courts has to be heard and determined by a Bench of at least three Judges, it has been thought advisable in the Bill to give this power to the High Court. It may further be pointed out that, under the Civil Procedure Code, the power of transferring Small Cause Suits from one District Munsiff's Court to another or, for that matter, of transferring any kind of Civil suit from one Court to another is vested only in the High Court. Throughout the Bill, the High Court alone are recognized as the authority having jurisdiction over these Courts in respect of the judicial matters connected with them.

6. *Chapter IV* comprises subjects such as the institution and frame of suits and matters of procedure prior to the hearing. In Section 28 relating to the setting aside of an *ex parte* decree against the defendant, the language of Sec. 103 of Travancore Civil Procedure Code has been adopted as being clearer and more comprehensive.

7. *Chapter V*. This chapter deals with the hearing and disposal of suits and also with the procedure relating thereto. The provisions contained in this part are generally on the lines of those in the Act. Sec. 32 relating to the summoning of witnesses, has been modelled on the language, respectively of Sec. 360 of our Civil Procedure Code and of Sec. 221 of the Criminal Procedure Code.

8. *Chapter VI* contains the important provisions relating to the execution of decrees. It will be noted that the proviso to

CHAPTER I.

Preliminary.

Short title and commencement.

1. This Regulation may be called "The Travancore Village Panchayat Courts Regulation," and it shall come into force on the 1st Makaram 1090.

Extent.

2. Our Government may from time to time, by Notification in the Government Gazette, specify the villages or areas to which this Regulation shall apply, and may, by a like Notification, withdraw any of such villages or areas from its operation.

Procedure in regard to suits and decrees pending in area withdrawn from Regulation.

3 When any such village or area is withdrawn from the operation of this Regulation, all suits pending in a Village Panchayat Court therein, shall be heard and determined, and all decrees passed by such Court and remaining unexecuted, shall be executed, by the Civil Court which, if such Village Panchayat Court had not existed, would have jurisdiction to try them.

Sec. 40 expressly disallows payment of Vakil's fees in the decree agreeably to the object of this piece of legislation, namely, to minimise the cost of the litigation in petty suits. Sec. 42 providing for the award of interests in decrees for money, is an adaptation of Sec. 204 of our Civil Procedure Code. The rate of 12 per cent. interest allowable on the sum decreed under the Madras Act, cannot be adopted here, having regard to our Regulations regarding interest. In view to give additional facilities for the prompt recovery of monies due under the decrees, a proviso has been put into Sec. 46, enabling the Government to empower a Village Panchayat Court or its President to order the arrest and imprisonment of the judgment-debtor.

9. *Chapter VII* deals with miscellaneous matters, such as the substitution on the record of the names of the legal representatives of deceased parties, the High Court's powers of revision, the institution fee leviable, etc. Unlike the Madras Act which, as already mentioned in para 6 *supra* gives revisionary jurisdiction to the District Munsiffs, it is proposed in Sec. 67 of the Bill to confer such power on the High Court. Secs. 70 to 72 contain provisions which are altogether new. Consistently with the object of this law, as stated in the preamble, namely, reducing the cost of petty civil litigation, Sec. 70 lays down that no fee other than the ordinary institution fee under the Court Fees Regulation, shall be leviable in connection with suits in the Village Panchayat Courts, except that copies of records shall be granted only on payment of the usual fee. The general rules of procedure laid down in the Civil Procedure Code are extended, so far as may be, by Sec. 71, to the suits in the Village Panchayat Courts. Sec. 72, the last Section, enables the Government to pass Rules generally for carrying out the provisions of this Regulation. * * ".—

T. G. G., dated 9-7-1912.

II. The Bill was published in the Gazette dated 9-7-1912, and was introduced in the Council and referred to a Select Committee on 17-10-1912 (*T. G. G., dated* 22-10-1912) The Committee's Report was published on 5-8-1913. It was presented to the Council on 5-9-1913 (*T. G. G., dated* 30-9-1913) and considered on 10-10-1913 (*T. G. G., dated* 4-11-1913). The Bill was finally read and passed on 10-6-1914 (T. *G. G., dated* 23-6-1914). The Regulation was published in the Gazetted dated 15-9-1914.

Such suits shall be tried and such decrees shall be executed as suits instituted in, and decrees passed by, such Civil Court.

Interpretation-Clause.

4. In this Regulation, unless there be something repugnant in the subject or context,—

"Village."

"Village" means a local area recognised by Our Government, from time to time, as a village for purposes of collecting the land revenue, or a local area for which a Village Panchayat Court has been established under this Regulation;

"Village Panchayat Court."

"Village Panchayat Court" means a Civil Court of original jurisdiction established under this Regulation for a village.

CHAPTER II

Establishment and Constitution of Village Panchayat Courts.

Establishment of Village Panchayat Courts.

5. Our Government may, from time to time by Notification in the Government Gazette,—

(1) group two or more villages and establish one Village Panchayat Court for them all,

(2) constitute divisions in any village and establish a separate Village Panchayat Court for each of such divisions, or

(3) establish a Village Panchayat Court for any specified area.

Constitution of Village Panchayat Court.

6. A Village Panchayat Court established under this Regulation shall consist of not less than five Judges, one of whom shall be styled the President. Every suit instituted in and every proceeding before a Village Panchayat Court shall be disposed of by a Bench of at least three Judges. In case of difference, the opinion of the majority shall prevail. When the Judges are equally divided, the opinion of the President, or, in his absence, of the Senior Judge, shall prevail.

For the purpose of this Regulation, Our Government may nominate one of the Judges other than the President as the Senior Judge.

Appointment of President and other Judges.

7. The President and the other Judges of the Village Panchayat Court shall be appointed by Our Government once in two years, according to such Rules as may, from time to time, be prescribed by Our Government in that behalf:

Provided that Our Government may, by Rules made in that behalf, provide for all or any of the Judges being elected by the people of the village or villages concerned.

Suspension or removal of a Judge.

8. Our Government may suspend or remove the President or other Judge of a Village Panchayat Court, for incapacity, neglect of duty, misconduct, or other just and sufficient cause, and shall do so, on a requisition made by the High Court, for like cause appearing in the judicial proceedings of such President or other Judge.

Powers and duties of the President.

9. Subject to such Rules as may be framed by Our Government in this behalf, it shall be competent to the President of a Village Panchayat Court to appoint, degrade, suspend, dismiss or otherwise deal with any member of the establishment sanctioned by Our Government for that Court.

It shall be the duty of the President and, in his absence, of the Senior Judge, to control and supervise the work of the Court, and to carry on all correspondence connected with the Court.

CHAPTER III.

Jurisdiction, Res-judicata and Limitation.

Cognizance of suits by Village Panchayat Courts.

10. (1) The Village Panchayat Courts shall try all suits of a Civil nature, except suits specified in Schedule I hereto annexed, the amount or value of which does not exceed thirty rupees.

Sec. 10: (1) In the Madras Act, Sec. 13 reads thus:—"*the following are the suits which shall be cognisable by Village Courts, namely,—claims for money due on contract or for personal property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of rupees twenty, whether on balance of account or otherwise: Provided that no action shall be brought in any such Court —(1) on a balance of partnership account unless the balance shall have been struck by the parties or their agents; (2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a Will; (3) for rent for land, unless such rent be due upon a written contract signed by the defendant; (4) by or against Government or public Officers in their official capacity; (5) by and against minors or persons of unsound mind.*"

The above provision was adopted in the Bill, with the difference that the limit of cognisance was fixed at Rs. 30 instead of Rs. 20, and power was taken to invest any Court with jurisdiction to hear suits not exceeding Rs. 50 in amount or value. When the Bill was considered by the Council, the Section came up for discussion, and it was

(2) It shall, however, be competent to Our Government, on the recommendation of the High Court, to invest any Village Panchayat Court with jurisdiction to hear and determine suits of the nature described in this Section, the amount or value of which shall not exceed fifty rupees.

Jurisdiction up to Rs. 200 with consent.

11. With the written consent of both parties, executed before the Court, a Village Panchayat Court may hear and determine suits of the nature described in Section 10, the amount or value of which shall not exceed two hundred rupees.

Court in which suit to be instituted.

12. Subject to the provisions of Section 13, and notwithstanding anything contained in the Civil Courts Regulation, II of 1084, every suit falling within Section 10 shall be brought in the Village Panchayat Court within the local limits of whose jurisdiction the defendant is, or, if there are more defendants than one, the majority of them are, and, if there is no majority, any of the defendants is, at the time of the commencement of the suit, residing or carrying on business or personally working for gain.

Suit in which Judge is personally interested.

13. No Judge of a Village Panchayat Court shall try any suit to which he is a party or in which he is personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Res-judicata.

14. No Village Panchayat Court shall try any suit brought on a cause of action, which has been heard and determined by a Court of competent jurisdiction, in a former suit, between the same parties or those under whom they claim.

Suit to include whole claim.

15. Every suit instituted in a Village Panchayat Court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such Court.

---

finally resolved that the restrictions in regard to suits, which applied to the Small Cause jurisdiction of the Munsiffs should be made applicable to the suits triable by the Village Panchayat Courts. On the motion of an Official Member, the existing Sub-section (1) of the Section was put in, and the Schedule added.—

L. C. P., dated 10-10-1913.

Sec. 12: In the Madras Act, Sec. 15 stands thus:—"Subject to the provisions ....Village Munsiff *within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside, or carry on business, or personally work for gain.*"

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall be precluded from bringing a fresh suit for or in respect of the portion so omitted or relinquished.

Relinquishment of part of claim.

16 If, in the decision of a suit cognizable by a Village Panchayat Court under Section 10 or Section 11, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit concerning title to immovable property, or the legal character of either of them or of those under whom they claim, or the existence of any contract or obligation, which, if it had been the immediate subject-matter of the suit, would not be cognizable under this Regulation by a Village Panchayat Court, it shall be competent to the Village Panchayat Court to decide such question of title, legal character, contract or obligation, as far as may be necessary for the determination of such suit; but such decision shall not be evidence of such title, legal character, contract or obligation, in any other action, though between the same parties or their representatives.

Incidental determination of matters not cognizable by Village Panchayat Courts.

17. The provisions of the Travancore Limitation Regulation, II of 1062, shall apply to suits and applications under this Regulation.

Limitation.

Sec. 17: (1) In the Madras Act, there is the following Proviso :—" *Provided that no suit or application shall be entertained by a Village Court after the expiration of three years from the time when the right to sue or make the application first accrued.*"

The original Bill contained also the Proviso.

(2) The Select Committee added the following para :—" Nothing in this Section shall affect the right of any person to institute a suit after the expiration of three years in any Court, other than a Village Panchayat Court, if the suit is not otherwise barred." They said :—" The Limitation Regulation is made applicable to suits instituted in the Village Panchayat Court and the proviso of the Section requires that no suit or application shall be entertained after the expiration of three years from the time when the right to sue or apply first accrued. Under the Limitation Regulation, for a suit (1) under a pro-note or (2) for a rent due on a registered contract of lease or (3) for a debt due under a registered debt bond, six years' time is allowed. The proviso, as it stands, may be supposed to curtail the period of limitation to three years, which is not desirable. If, however, it is thought that it does not curtail the period of limitation but only debars the entertainment of a suit by Village Panchayat Court, it may be doubted whether in the face of Sections 9 and 11, a District Munsiff will entertain a suit presented to him after three years."—*S. C. R., Pr., 9.*

(3) When the Bill was considered by the Council, both the Proviso and the para added by the Select Committee were omitted on the motion of a Non-official Member who said that " While the British Limitation Act allowed only three years' time for a suit on a promissory note, the period of limitation in Travancore was six years and

18. The District Court within the limits of whose jurisdiction a Village Panchayat Court is situate, may withdraw any suit from such Village Panchayat Court and transfer it, for trial, to the Court of any District Munsiff subordinate to such District Court or to any other Village Panchayat Court situate within the limits of the jurisdiction of such District Court.

Transfer of suits.

that the restriction which debarred a Village Panchayat Court from entertaining a suit after the expiration of three years from the time when the right to sue accrued, if adopted, would throw upon the ordinary Civil Courts the work of deciding the petty suits which the Village Panchayat Courts would otherwise be competent to decide."—
L. C. P., dated 10-10-1913.

Sec. 18 : In the Madras Act, the District Munsiff is empowered, *on the application of any of the parties*, to withdraw any suit from a Village Court and try the suit himself or "transfer it for trial to any other Village Court within the local limits of his jurisdiction : Provided that any party applying to have a suit withdrawn from a Village Court and tried by the District Munsiff shall, before any such order for transfer is made, pay the amount of the fees payable under the Court Fees Act, 1870, in respect thereof."

In the original Bill, the main Para as adapted was as follows :—" The High Court may withdraw any suit from a Village Panchayat Court and transfer it for trial to the Court of the District Munsiff within the local limits of whose jurisdiction the village is situate, or to any other Village Panchayat Court." To this, the Proviso of the Madras Act, quoted above, was also added.

The Select Committee amended the Section. They said :—" It may sometimes occur that the District Munsiff having jurisdiction over the village may not be in a position to try the suit and there is no other Village Panchayat Court near. We therefore consider that the High Court should have ample power to transfer the suit to the Village Panchayat Court or to the Court of any District Munsiff. The expression " within the local limits of whose jurisdiction the village is situate " has therefore been omitted and the indefinite article " a " substituted for " the " before "District Munsiff."—
S. C. R., Pr. 10.

When the Bill was considered by the Council, a motion was made to vest the power of transfer in the District Court. The Member in charge then invited the attention of the Council to the report of the Committee and said that the framers of the Bill, departing from the provision of the British Act, reserved the power to the High Court in view to the status of the proposed Courts and to the fact that, under the provisions of the Civil Procedure Code, the High Court was the sole authority competent to transfer cases. The member who made the motion pointed out that, inasmuchas District Magistrates were, under the Criminal Procedure Code, invested with the power of transferring cases from the file of one Magistrate to that of another, the District Judges could be so empowered in regard to cases instituted in the Village Panchayat Courts. The President agreed with the Mover and observed that such a course would, besides avoiding congestion of work in the High Court, add to the convenience of the public. The existing Section, as proposed by the Mover was then passed.

On the motion of the same Member, the proviso was also omitted on the ground that, consistently with the express object of the Bill, *viz.*, to minimise the cost of litigation in petty suits, applications of the kind in question should be wholly exempted from the liability to pay Court-fees.
L. C. P., dated 10-10-1913.

Power of Court to add parties to suit.

19. The Village Panchayat Court may, at any time, upon its own motion or upon the application of a party to the suit, order that the name of any person who ought to have been joined, whether as plaintiff or defendant, whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all questions involved in the suit, be added, provided that no person shall be added as a plaintiff without his own consent thereto.

Procedure upon the adding of party.

20. When a defendant is added, the plaint, if previously filed, shall, unless the Court direct otherwise, be amended in such manner as may be necessary, and an amended copy of the plaint shall be served on the new defendant and the original defendants.

CHAPTER IV.

The Institution and Frame of Suits, Recognised Agents, the Issue and Service of Summons on Parties, Adjournments and Consequences of Non-appearance.

Suits to be commenced by plaint.

21. Every suit under this Regulation shall be instituted by presenting a plaint to the Village Panchayat Court, together with as many copies thereof as there are defendants. One copy shall be delivered to each defendant, or affixed as hereinafter provided, together with the copy of the summons.

Particulars to be contained in plaint.

22. The plaint shall be written in the language of the village, or in Malayalam, and signed and verified by the plaintiff, or, in his absence, by an agent duly authorised by him, and it shall contain the following particulars:—

(*a*) the name, description and residence of the plaintiff and of the defendant;

(*b*) a concise statement of the cause of action and when it arose; and

(*c*) the relief prayed for and the total amount or value of the claim.

Secs. 19 & 20 : These are additions to the Madras Act and were put in by the Select Committee.

Sec. 22 : The word "verified" does not occur in the Madras Act, and was put in by the Council on the motion of a Non-official Member who said that plaints under the Civil Procedure Code had to be verified by the plaintiffs.— *L. C. P., dated 10-10-1915.*

Appearance in person, by agent, &c.

23. Any appearance, application or act required or authorised by law to be made or done by a party to a suit in any Village Panchayat Court, may be made or done in such Court, by the party in person or by his recognised agent or by a pleader duly appointed to act in this behalf:

Provided that it shall be competent to the Court, whenever it thinks it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit.

Explanation.—Recognised agent is a person holding a power-of-attorney from a party, authorising him to make and do appearances, applications and acts on behalf of such party

Summons to defendant how served.

24. When the plaint has been presented, the Village Panchayat Court shall cause the same to be registered, and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day. The summons shall be served on the defendant personally and a copy thereof delivered to him.

Mode of service when defendant evades service.

25. If the Village Panchayat Court is satisfied that the defendant is evading service of the summons, the Court may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant, residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides.

Mode of service when defendant is beyond local jurisdiction of Court.

26. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Panchayat Court, it shall be forwarded to the District Munsiff within whose jurisdiction the defendant resides, who shall cause it to be served, as if it had

---

Sec. 23: In the Madras Act, Sec. 24. runs as follows:—"*Any party to any suit before a Village Court may appoint by Vakalatnama any person to appear and plead for him but it shall be competent to the Village Munsiff whenever he thinks it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit; and, if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.*"

This was the wording in the original Bill, The Select Committee said:—"The Section allows *any* agent to appear for a party provided he files a Vakalat. This is undesirable. We think it desirable that a relative of a party should alone be allowed to appear, apply and act, if he is specially authorised in this behalf." The Committee accordingly amended the Section and added an Explanation.— *S. C. R., Pr. 12.*

When the Bill was considered by the Council, the expression 'relative' was thought to be very indefinite and was omitted; and the Section recast as it now stands.— *L. C. P., dated 10-10-1913.*

been a summons issued by himself and shall then return it to the Village Panchayat Court, together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

Procedure if defendant does not appear.

27. If a defendant does not appear in person or by agent or pleader as referred to in Section 23 on the day fixed, and if it be proved that the summons was duly served, the Village Panchayat Court may proceed *ex parte.*

If it is not proved that the summons was duly served, the Village Panchayat Court shall issue a fresh summons

Defendant can claim seven days' notice of suit.

Every defendant may claim seven clear days' notice of suit, and if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which written notice shall be given to the defendant

Procedure where plaintiff or defendant does not appear, or where summons not served through plaintiff's default.

28. Where, on the day fixed for the defendant to appear-

(i) it is found that the summons has not been served owing to the plaintiff's default and the defendant does not appear, or

(ii) neither party appears,

the Court may make an order that the suit be dismissed.

Procedure where plaintiff does not appear and defendant admits claim.

29. Where the plaintiff does not appear, but the defendant appears when the suit is called on for hearing, the Court shall make an order that the suit be dismissed, unless the defendant admits the claim, or part thereof, in which case, the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

Setting aside order under Section 28 or 29 on cause shown.

30. (I) Where a suit is dismissed under Section 28, the plaintiff may (subject to the law of limitation) bring a fresh suit; or he may apply for an order to set it aside, and if he satisfies the Court that there was sufficient cause for his default or non appearance, as the case may be, the Court shall make an order setting aside the dismissal and shall appoint a day for proceeding with the suit.

Sec. 27: Under the Madras Act, the defendant may claim only two clear days' notice of suit. As this was considered inadequate, 'seven' was substituted for 'two' by the Council.—*L. C. P., dated 10-10-1915.*

Secs. 28, 29 & 30: (1) In the original Bill, the provisions in the Madras Act were reproduced. The Select Committee made some modifications which (1) allowed a decree being passed for the amount admitted in cases where the plaintiff does not appear and the defendant appears and admits

(2) Where a suit is wholly or partly dismissed under Section 29, the plaintiff shall be precluded from bringing a fresh suit; but he may apply for an order to set the dismissal aside If he satisfies the Court that there was sufficient cause for his non-appearance when the suit was called on for hearing, the Court shall make an order setting aside the dismissal, and shall appoint a day for proceeding with the suit.

Setting aside *ex parte* decree against defendant.

31. In any case in which a decree is passed *ex parte* against a defendant by a Village Panchayat Court, he may apply to such Court for an order to set it aside, and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing

---

only a part of the claim, and (2) precluded the plaintiff from petitioning to set aside the decree given for the admitted amount.

When the Bill was considered by the Council, the Sections were recast by the Council, as they now stand in the Regulation, on the motion of a Non-official Member. It was pointed out that "the main feature of the amendments was that even, in a case where the suit was dismissed on the ground of the plaintiff's default or non-appearance, the plaintiff might obtain an order restoring the suit, on his showing sufficient cause for such non-appearance or default". It was, however, considered "necessary to insert the provision which was taken from the British Civil Procedure Code, in order to safeguard the interest of a plaintiff whose remedy by a fresh suit might be barred by limitation."—*L. C. P., dated 10-10-1913.*

(2) The corresponding Sections of the Madras Act are as follow :—"*30. If on the day fixed for the defendant to appear—(1) neither party appears, or (2) the plaintiff does not appear, and the defendant appears and does not admit the claim, or (3) the summons has not been served owing to the plaintiff's default and the defendant does not appear, the suit shall be dismissed unless the Village Court otherwise directs.*

"*31. If the plaintiff does not appear, but the defendant appears and admits the claim wholly or in part, the Village Court shall pass Judgment against defendant in accordance with such admission: Provided that when only a part of the claim is admitted the Court may adjourn the hearing to a future day.*

"*32. Whenever a suit is dismissed under Clause (1) or Clause (3) of Section 30, the plaintiff may bring a fresh suit; and, if within thirty days from the date of an order under Clause (2) of Section 30 dismissing the suit, or of a decree passed for only a part of the claim under Section 31, the plaintiff satisfies the Village Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal or the decree, and shall appoint a day for proceeding with the suit.*"

Sec. 31: (1) In framing this Section, the language of Section 103 of the Civil Procedure Code was adopted as being clearer and more comprehensive.—*Panchayat Courts Committee Pr. 7.*

(2) The Section in the Madras Act runs thus:—"*33. Any defendant against whom a decree has been passed* ex parte *may, within thirty days from the date of executing any process for its enforcement, apply to the Village Court to set it aside; and if satisfied that the summons or notice was not duly served, or that the defendant was prevented by any sufficient cause from appearing, the Court shall set aside the decree and shall appoint a day for proceeding with the suit.*"

when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as it thinks fit, and shall appoint a day for proceeding with the suit:

Provided that, where the decree is of such a nature that it cannot be set aside as against such defendant only, it may be set aside as against all or any of the other defendants also.

No decree to be set aside without notice to opposite party.

32. No decree shall be set aside on any application under Section 30 or Section 31 unless notice has been served on the opposite party.

CHAPTER V.

The Hearing, Withdrawal or Compromise of suits, and the Summoning and Examination of Witnesses.

Procedure on appearance of both parties.

33. When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim, or if the suit be compromised, either then or at any subsequent stage, in whole or in part, such admission or compromise shall be recorded in writing and signed by the parties, and the Court shall pass a decree in accordance therewith. If the defendant does not admit the claim, he shall be required to state his objections, either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

Withdrawal of suit.

34. At any time after the institution of a suit, the plaintiff, or where there are more plaintiffs than one, any one of them, with the consent of the others, may, as against all or any of the defendants, withdraw the suit or abandon part of the claim, and no fresh suit shall be brought in respect of the subject-matter of such suit or such part of the claim so withdrawn or abandoned.

Sec. 34 : In the Madras Act, the corresponding Section 36 is:—"*If the plaintiff wishes to withdraw a suit, he shall signify the same in writing to the Court, which shall strike the suit off the file, and no fresh suit shall be brought on the same cause of action.*"

This was the wording in the original Bill and which was passed by the Select Committee. When the Bill was considered by the Council it was pointed out "that it was not clear from the wording of the Section whether one of several plaintiffs might apply for withdrawal of the suit, without the consent of the others, or whether it was open to a plaintiff or plaintiffs, as the case may be, to abandon a part of the claim set forth in the plaint, when, for instance, an error was discovered subsequent to the presentation of the plaint."

Elaborate provisions were suggested and it was also proposed that the provisions of

When suit may be settled by oath.

35. If the parties agree to have the suit or any part of it decided by an oath taken by one of them in Court or elsewhere, and tender a written agreement signed by both of them setting forth the terms of the oath and the place where it is to be taken, the Court may accept such agreement. After the oath has been taken in the manner proposed the Court shall decide the case in terms of the agreement.

After the agreement has been accepted by the Court, it shall not be competent to any of the parties to withdraw therefrom without the leave of the Court. If any party so withdraws or refuses to take the oath without lawful excuse, the Court may decide the case against him or pass such other order as it deems proper.

Set-off.

36. The defendant may set off any amount legally due to him by the plaintiff, for which he could bring a suit in a Village Panchayat Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

Witnesses not present to be summoned.

37. When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim, and shall take all such evidence as may be produced in behalf of the plaintiff and of the defendant

The Court may, if it thinks fit, on the application of the plaintiff or defendant, issue process to compel the attendance of any witness or the production of any document.

---

the Civil Procedure Code might be rendered applicable, as far as might be. The President pointed out that, "having regard to the class of men that would constitute the Bench in the proposed Courts, it was necessary that the Bill should be self-contained and comprehensive in its provisions, without containing references to other laws.

"After considerable discussion, the President observed that simplicity should be the aim of the Council in a legislation of that kind. It might not be always possible to obtain men for appointment as Judges of the new Courts, who possessed the same standard of efficiency as our present-day Judicial Officers. The question for consideration was what exactly was the load of procedure which might be thrown upon them without their breaking under it. He suggested that a provision regarding the withdrawal of suits and abandonment of portions of claims by one of several plaintiffs, might be made and that it was unnecessary to invest the new Courts with authority to grant permission for such withdrawal or abandonment."

Accordingly, the Section as it now stands was proposed and adopted."—*L. C. P. dated 10-10-13.*

Sec. 37: Section 39 of the Madras Act is:—"When the defendant's statement...... the claim, and shall summon the witnesses cited by either party who are not present." The marginal note is the same in both. There is no second para in the Madras Act.

Summons to witness how served.

38. Any witness residing within the jurisdiction of the Village Panchayat Court, or within five miles beyond such jurisdiction, may be summoned in writing by such Court.

Interrogatories when to issue.

If any witness resides more than five miles beyond its jurisdiction, the Court may call on the parties to frame written interrogatories, and shall forward such interrogatories to the District Munsiff or the Village Panchayat Court within whose jurisdiction the witness resides, and such District Munsiff or Village Panchayat Court shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending.

Summons to appear and give evidence or produce document.

39 A summons may direct any person summoned either to appear and give evidence, or to produce or cause the production of a document.

Duty of persons summoned to give evidence or produce document.

40. Whoever is summoned to appear and give evidence or to produce a document in a suit, by a Village Panchayat Court, shall, except for a reasonable cause, be bound so to attend and give evidence or produce or cause the production of such document.

Exemption of certain women and other persons from personal appearance.

41. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in Court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be compelled to attend; but when the evidence of any such person is necessary, the Village Panchayat Court shall itself or by commission examine such person at his or her residence.

Examination of witnesses.

42. Witnesses shall be examined on oath or solemn affirmation, and it shall not be necessary for the Village Panchayat Court to take down the evidence of the witnesses in writing at length; but any one of the Judges, as the examination of each witness proceeds, shall make a memorandum of the

Sec. 40: This Section, not found in the Madras Act, was put in by the Select Committee who said:—"Disobedience to the order of a Court requiring the attendance of a witness may not be punishable under the Penal Code unless the witness is bound to attend. To ensure the attendance of witnesses, a new Section has been added."—*S. C. R., Pr. 18.*

substance of what the witness deposes and such memorandum shall be signed by the Judges before whom the witness is examined.

Every such memorandum shall form part of the record.

Adjournment in view to amicable settlement or for other cause.

43. The Village Panchayat Court, if it appears likely that the parties will settle the matter amicably or for any other sufficient cause, may adjourn the hearing to a day to be fixed in the presence of the parties, or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the Village Panchayat Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by Sections 28 and 29, or make such other order as it thinks fit.

Consequence of refusal of party to give evidence when called on by Court.

44. If any party to a suit, who shall be ordered to attend to give evidence or produce a document, shall, without lawful excuse, fail to comply with such order, the Village Panchayat Court may, in its discretion, pass a decree against him or make such order in relation to such suit as it deems fit.

CHAPTER VI.

The Decree and its Execution.

On conclusion of hearing, Court to pass decree.

45. When the parties or their agents have been heard, and the evidence on both sides considered, the Village Panchayat Court shall pass such decree as may seem just:

Provided that it shall not be competent to any Village Panchayat Court to allow any sum of money as Vakil's fees to either party either in the suit or in the execution proceedings.

Contents of decree.

46. The decree shall be in the language of the village or in Malayalam, and shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision in the suit and the reasons for such decision. It shall specify the sum

---

Sec. 44: This Section, not in the Madras Act, was put in by the Select Committee who said :—"It is desirable to punish a party for failing to comply with the order of the Court requiring him to give evidence or to produce a document. A provision similar to Section 172 of the Civil Procedure Code has therefore been inserted."—*S. C. R., Pr. 19.*

of money adjudged, or the movable property to be delivered, or the sum to be paid in default of delivery, and the amount of costs and by what parties and in what proportion such costs shall be paid.

The decree shall bear date the day on which it is passed, and be signed by all the Judges who decided the case. Each party shall be entitled to receive a copy of the decree upon application.

In suits for money, decree may order interest to be paid on principal sum adjudged.

47 In suits for money, the Village Panchayat Court may, in the decree, order interest, at such rate as the Court deems reasonable, to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest, at such rate, not exceeding nine per cent. per annum, as the Court deems reasonable, on the aggregate sum so adjudged, from the date of the decree to the date of the payment, or to such earlier date as the Court thinks fit.

Effect where decree is silent as to further interest.

Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid, from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.

When a Village Panchayat Court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate.

Procedure in case of clerical or arithmetical error found in the decree

48. If any clerical or arithmetical error be found in the decree, the Court shall, of its own motion or on that of any of the parties, amend the decree so as to correct such error, provided that reasonable notice has been given to the parties of the proposed amendment.

Sec. 47: The Section in the Madras Act contains only two Paras of which the second is the same as the third Para in this Section. The first is as follows:—"In suits for money the Village Court may decree interest on the sum decreed not exceeding twelve per cent. per annum from date of suit till date of payment."

In the Bill, no rate of interest was fixed, in view of a High Court Circular fixing the rate at six percent, per annum. When the Bill was considered by the Council an Official Member pointed out that it would be well to fix the rate of interest, so that the Panchayat Courts might not be in doubt as to the applicability of the Circular referred to. He suggested that, in view to the fact that money was scarce in the villages, the maximum rate of interest be fixed at nine per cent., and this was agreed to.—

L. C. P., dated 10-10-1013.

Sec. 48: This is not found in the Madras Act and was put in by the Select Committee.

Court by which decree may be executed.

49. The decree shall be executed by the Village Panchayat Court which passed it or by a Village Panchayat Court or District Munsiff to whom it is sent for execution under the provisions hereinafter contained.

Decree for specific movable how executed.

50. If the decree be for any specific movable, it may be enforced by the seizure of the property and its delivery to the decree-holder. If the seizure of the property be not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Payment of money under a decree or other adjustment to be made or recorded in open Court.

51. (1) All money payable under a decree passed by a Village Panchayat Court shall be paid into Court.

(2) If the decree is otherwise adjusted to the satisfaction of the decree-holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent authorised in writing, in open Court and such record shall bear the initials of the President, or, in his absence, of the Senior Judge.

(3) All payments or adjustments shall be endorsed by the President, or, in his absence, the Senior Judge, on the decree and also recorded in the register of suits

(4) No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognised unless it has been made or recorded in the manner prescribed by this Section.

(5) Notwithstanding anything contained in this Section the execution of a decree of a Village Panchayat Court, transferred to a District Munsiff for execution, shall be governed by the provisions of the Civil Procedure Code for the time being in force.

Judgment-debtor not to be arrested, nor immovable property attached.

52. No judgment-debtor shall be arrested, and no immovable property attached, by a Village Panchayat Court, in execution of a decree.

Attachment of movable property.

53. On the application of the decree-holder, the Village Panchayat Court, or, on days when the Court does not sit, the President, may order attachment of any movable property within its jurisdiction, belonging to the judg-

Sec 51: The Section is not the same as Sec. 50 of the Madras Act. It was put in by the Council after considerable discussion, in conformity with the provisions of the Civil Procedure Code.—*L. C. P., dated 10-10-1913*

ment-debtor, pointed out by the decree-holder, to the value of the amount payable under the decree:

Provided that the following properties shall not be liable to such attachment, namely,—

(*a*) the necessary wearing apparel and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by a woman;

(*b*) tools of artisans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such;

(*c*) the materials of houses and other buildings belonging to and occupied by an agriculturist;

(*d*) books of account;

(*e*) a mere right to sue for damages;

(*f*) stipends and gratuities allowed to pensioners of the Government, and political pensions;

(*g*) the salary of a public Officer to the extent of—

(i) the whole of the salary where the salary does not exceed ten rupees monthly,

(ii) ten rupees monthly where the salary exceeds ten rupees and does not exceed twenty rupees monthly, and

(iii) one moiety of the salary in any other case;

(*h*) the pay and allowances of persons to whom the Native Articles of War apply;

Sec. 53: (1) *Clause* (*a*) The words "and such personal ornaments......by a woman" were added by the Council on the motion of a Non official Member as they occur in Sec. 60 of the British Civil Procedure Code, Act V of 1908. It was also pointed out that the exemption was necessary, as, in popular opinion, some sanctity attached to the 'tali' among Hindus and the 'wedding-ring' among Christians. The President observed "that all the exemptions specified in the Section were stock exemptions adopted from the language of the Civil Procedure Code and that, though personally he had no objection to safeguard a woman's jewels by exempting them from liability to attachment in execution of a decree, the addition of civilised precautions of the kind was apt to render the machinery of the new Courts more or less inoperative."—

L. C. P., dated 11-10-1915.

(2) *Clauses* (*c*) & (*e*).—These are not found in the Madras Act.

(*i*) the wages of labourers and domestic servants, whether payable in money or in kind.

Explanation.—The particulars mentioned in Clauses (*f*), (*g*), (*h*) and (*i*) are exempt from attachment or sale whether before or after they are actually payable.

Property in possession of judgment-debtor.

54. If the property be in the possession of the judgment-debtor, it shall be attached by actual seizure, and the Court shall provide for its safe custody. It may be left in the custody of the judgment-debtor, upon any person approved by the Court rendering himself liable as surety, in writing, for its production when required. On default, the decree may be executed against the surety to the value of the property not produced, after giving him such notice as the Court may deem sufficient.

Property not in possession of judgment-debtor.

55. If the property be not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

Debts how attached.

56. (1) Debts and moneys due to the judgment-debtor, shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money, and the debtor from making payment thereof, until the further order of the Court. Nothing in this Section shall be held to authorise a Village Panchayat Court to attach or sell a debt charged on immovable property.

---

(3) *Clause (g).*—The Clause in the Madras Act is :—"the salary due to a public Officer or to any servant of a Railway Company or local authority, unless such salary exceeds twenty rupees monthly, in which case a moiety of it may be attached."

(4) The Explanation to the Section does not occur in the Madras Act.

Sec. 54: In the Madras Act, the Section runs thus :—"If the property be......safe custody. It may be left...Judgment-debtor, upon sufficient security being given in writing for its production when required. On default the decree may be executed against the surety to the value of the property not produced."

This was the wording adopted in the Bill and passed by the Select Committee. In the Council, the existing wording was adopted after considerable discussion. The words "approved by the Court" were put in, as otherwise "any person" may include an 'insolvent.' Express provision was also made for notice to the surety in case he was proceeded against.—*L. C. P., dated, 11-10-1913.*

Sec. 56: The Madras Act contains only one para—Sub-sec (1). Sub-sec. (2) was added by the Council on the motion of a Non-official Member as the provision was thought necessary. It was taken from Sec. 265 of the Civil Procedure Code.—

L. C. P., dated, 11-10-1913.

Salaries how attached.

(2) In the case of the salary of a public Officer, the attachment shall be made by a written order requiring the Officer whose duty it is to disburse the salary, to withhold every month such portion as the Court may direct until the further orders of the Court.

Private alienation of property after attachment void.

57. When an attachment has been made by actual seizure or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt or money attached to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Investigation of claims to attached property.

58. If, within fifteen days after the date of attachment, any claim be preferred to property attached in execution of a decree, the Village Panchayat Court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Property to be sold not less than fifteen days after attachment and sale to be proclaimed.

59. As soon as possible after attachment, the Village Panchayat Court shall fix a day, not less than fifteen days from the date of attachment, for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside the Court, and such sale shall be further proclaimed by beat of drum previous thereto:

Provided that (i) with the consent in writing of the judgment-debtor, or (ii) when the property seized is subject to speedy and natural decay, or (iii) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case, the Court shall hold the sale-proceeds subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

Procedure in sale.

60. On the day fixed for the sale, the property shall be put up for sale by public auction in open Court and sold to the highest bidder. The price shall be paid without delay, and in default, the property shall again be put up to sale.

On payment of the purchase-money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Sec. 58: The words "within fifteen days after the date of attachment" were put in by the Select Committee, and are an addition to the provision in the Madras Act.

Any loss on re-sale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree has been passed against him for the same.

Power to adjourn sale.

61. Any sale advertised under this Regulation may at the discretion of the Court, be adjourned to a specified day, public notice thereof being given in the manner prescribed by Section 59.

Judges and other Officers not to bid for or buy property sold.

62. No Judge of a Village Panchayat Court or other Officer having any duty to perform in connection with any sale under this Regulation, shall, either directly or indirectly, bid for or acquire any interest in any property sold at such sale.

Stoppage of sale on tender of debt and costs.

63. Every sale of property under this Regulation shall be stopped if, before the lot is knocked down, the amount due under the decree and the costs attending the sale are tendered to the Court.

Division of proceeds of sale.

64. Out of the moneys realised in execution, the cost of execution shall first be defrayed, and then the amount due to the decree-holder shall be paid. Any surplus which may remain shall be paid to the judgment-debtor.

Property actually seized to be delivered to purchaser.

65. When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser.

In other cases, how property delivered to purchaser.

66. When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

Decree may be transmitted to District Munsiff for execution.

67. Any decree passed by a Village Panchayat Court may, on the application of the decree-holder, be transmitted for execution to the Court of any District Munsiff within whose jurisdiction the judgment-debtor may reside or may have property, or to the Panchayat Court of any other village in which the judgment-debtor is represented to have movable property. The Court to which a decree is transferred for execution shall execute it as if it were a decree passed by itself.

or order, set aside such decree or order, on the ground (i) of corruption, gross partiality or misconduct of any of the Judges of the Village Panchayat Court, or (ii) of the Court having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity, or (iii) that the decree or order is contrary to law ;

and may pass such other decree, or order as it thinks fit: Provided that no decree or order of a Village Panchayat Court shall be set aside without notice to the opposite party.

Pending disposal of any such petition, the District Court may stay execution of the decree or order.

A petition under this Section may be entertained after thirty days by the District Court, if it is satisfied with the cause shown for the delay.

Except as provided in this Section, every decree and order of a Village Panchayat Court shall be final.

Nothing in this Section shall prevent the High Court from exercising the powers vested in it by Section 568 of the Code of Civil Procedure.

High Court may, and in certain cases shall, report to the Government.

74. Whenever under Section 73 a decree or order of a Village Panchayat Court is set aside, the High Court may report the case to Our Government, and shall report every case in which a decree or order is set aside on the ground of corruption, gross partiality or misconduct of any of the Judges.

Power of High Court to prescribe Forms, &c., and to inspect records.

75. The High Court may, from time to time, prescribe Forms and Registers for use in the Village Panchayat Courts and the returns which they shall be bound to submit and may at any time, call for and inspect the Registers and records of the Village Panchayat Courts.

---

words italicised were in the original Bill, but were omitted by the Select Committee. —*S. C. R., Pr. 26.*

(2) A period of sixty days is allowed in the Madras Act for the entertainment by the District Munsiff of petitions under Paras 1 and 4. It was reduced to thirty by the Council, as the District Court concerned was nearer than the High Court to which under the original Bill, the petitions were to be presented.—*L. C. P., dated 11-10-1912.*

(3) The last Para was put in by the Council in view to give the High Court concurrent revisional jurisdiction with the District Courts.—*Ibid.*

76. A fee of five per centum of the value of the suit shall be paid on its institution in the Village Panchayat Court, and, notwithstanding anything contained in the Court Fees Regulation, VI of 1087, no other fee shall be paid for the issue of processes or set-off claimed or otherwise at any subsequent stage of the suit or in matters relating to execution:

Amount of institution fees leviable.

Provided, however, that when a suit is transferred for trial or when a decree is transmitted for execution from a Village Panchayat Court to the Court of a District Munsiff, under the provision hereinbefore contained, the Rules in regard to the levy of process and other fees with respect to such suits and proceedings obtaining in the District Munsiff's Court shall become applicable:

Provided also that no copy of the decree or any other record in the suit shall be supplied to either party, except at the expense of the party making the application.

77. Our Government may make Rules, consistent with this Regulation, to regulate—

Power of Government to make Rules.

(a) the election and appointment of the Judges of a Village Panchayat Court;

(b) the administrative powers of the President and of the other Judges of a Village Panchayat Court; and

(c) generally, all matters connected with the carrying out of the provisions of this Regulation.

SCHEDULE I.

Suits which shall not be triable by a Village Panchayat Court:—

(1) A suit concerning an act or order purporting to be done or made by Our Dewan in his official capicity, or concerning an act purporting to be done by any person by order of Our Dewan in his official capacity;

(2) a suit concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a Judicial Officer acting in the execution of his office;

(3) a suit concerning an act or order purporting to be done or made by any other Officer of the Government in his official capacity;

Secs. 76 & 77: These are additions suggested by the Panchayat Courts Committee —*Vide* their Report Para 9.

(4) a suit for the possession of immovable property or for the recovery of an interest in such property;

(5) a suit for the partition of immovable property;

(6) a suit by a mortgagee of immovable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immovable property for the redemption of the mortgage;

(7) a suit for the assessment, enhancement, abatement or apportionment of the rent of immovable property;

(8) a suit concerning the liability of land to be assessed to land-revenue;

(9) a suit to restrain waste;

(10) a suit for the determination or enforcement of any other right to or interest in immovable property;

(11) a suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive periodically recurring right to discharge the functions of an office;

(12) a suit to enforce payment of any allowance paid to families or individuals by the State, or of cesses or other dues when the cesses or dues are payable to a person by reason of his interest in immovable property or in an hereditary office or in a shrine or other religious institution, other than cesses or dues recoverable under the Jenmi and Kudiyan Regulation;

(13) a suit to recover from a person, to whom compensation has been paid under the Land Acquisition Regulation, the whole or any part of the compensation:

(14) a suit for the specific performance or rescission of a contract;

(15) a suit for the rectification or cancellation of an instrument;

(16) a suit to obtain an injunction;

(17) a suit relating to a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution;

(18) a suit for a declaratory decree, not being a suit relating to movable property instituted under Section 280 or Section 321 of the Code of Civil Procedure;

(19) a suit to set aside an attachment by a Court, otherwise than in execution of a decree for money and in relation to movable property, or Revenue authority, or a sale, mortgage, lease or other transfer by a Court or a Revenue authority or by a guardian;

(20) a suit for property which the plaintiff has conveyed while insane;

(21) a suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial capacity;

(22) a suit to contest an award ;

(23) a suit upon a foreign judgment as defined in the Code of Civil Procedure;

(24) a suit to compel a refund of assets improperly distributed under Section 292 of the Code of Civil Procedure;

(25) a suit to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets;

(26) a suit for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate;

(27) a suit—

(a) for a dissolution of partnership or for the winding up of the business of partnership after its dissolution,

(b) for an account of partnership transactions, or

(c) for a balance of partnership account, unless the balance has been struck by the parties or their agents;

(28) a suit for an account of property and for its due administration under decree;

(29) any other suit for an account, including a suit by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant;

(30) a suit for a general average loss or for salvage;

(31) a suit for compensation in respect of collision between ships;

(32) a suit on a policy of insurance or for the recovery of any premium paid under any such policy;

(33) a suit for compensation—

(a) for loss occasioned by the death of a person caused by actionable wrong,

(b) for wrongful arrest, restraint or confinement,

(c) for malicious prosecution,

(d) for libel,

(e) for slander,

(f) for adultery or seduction,

(g) for breach of contract of betrothal or promise of marriage,

(h) for inducing a person to break a contract made with the plaintiff,

(i) for obstruction of an easement or diversion of a water course,

(j) for illegal, improper or excessive distress or attachment,

(*k*) for improper arrest under Chapter XXXIII of the Code of Civil Procedure or in respect of the issue of an injunction wrongfully obtained under Chapter XXXIV of that Code, or

(*l*) for injury to the person in any case not specified in the foregoing Sub-clauses of this Clause;

(34) a suit by a Mohomedan for exigible (*mu'ajjal*) or deferred (*mu'wajjal*) dower;

(35) a suit for the restitution of conjugal rights, for the recovery of a wife, for the custody of a minor, or for a divorce;

(36) a suit relating to maintenance except when the claim is based on an express contract in writing duly registered;

(37) a suit for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer, or by a manager of joint property, or a member of an undivided family, in respect of a payment made by him on account of the property or family;

(38) a suit by one of several joint mortgagors of immovable property for contribution in respect of money paid by him for the redemption of the mortgaged property;

(39) a suit against the Government to recover money paid under protest in satisfaction of a claim made by a Revenue authority on account of an arrear of land revenue or of a demand recoverable as an arrear of land revenue.

RULES.

Under Section 77 of the Village Panchayat Courts Regulation, I of 1090

Passed under date the 26th December 1916, corresponding with the 11th Dhanu 1092.

(No. J. 94 dated 6th January 1917.) (*a*)

1. The Village Panchayat Courts established under the Regulation shall be subordinate to the High Court, and shall carry on correspondence with the Registrar of the High Court, subject of course to the powers of transfer and revision vested in the District Courts by law.

2. Every Village Panchayat Court shall use seal of the prescribed form and dimensions.

3. The administrative powers and duties of the President are laid down in Section 9 of the Regulation. The President shall have complete control over the

(*a*) *T. G. G., dated 9-1-1917, Pt. I, P. 80.*

staff and work of the Court. It is competent to the President to grant leave of all kinds to all the subordinates of the Court, and to fine them, provided that in no case shall the amount of a fine exceed Rs. (3) three.

4. Appeals against orders of punishment passed by the President on members of the establishment shall lie to the High Court, provided that the appeal in each case is preferred within thirty days from the date of the order appealed from, exclusive of the time required for obtaining a copy of the order. There shall be no appeal from an order of fine.

5. The President of every Village Panchayat Court shall submit to the High Court before the 5th of each Malabar month, three statements (in the Forms A, B and C, appended) about the appointments made, punishments inflicted and leave (other than casual leave) granted during the preceding month. †

6. The Senior Judge shall exercise the powers and perform the duties of the President, during the latter's absence.

7. The provisions of the Civil Circulars and Proceedings of the High Court and of the Travancore Service Regulations and Account Code, so far as applicable, shall be binding on the Village Panchayat Courts.

8. The required stationery, forms etc., shall be supplied to the Village Panchayat Courts by the High Court.

9. Every Village Panchayat Court shall send up to the High Court the usual monthly, quarterly and annual returns of the Civil Courts, relating to Small Cause Suits.

10. Arrangements in regard to the details of the work of each Court shall be made by the President in consultation with the Judges.

REGULATION II OF 1090.

A Regulation to amend the Code of Criminal Procedure (Regulation V of 1067), as amended by Regulations II and III of 1074, IV of 1082, VII of 1085 and Regulation VII of 1088

Passed by His Highness the Maha Raja of Travancore, on the 19th September 1914, corresponding with the 3rd Kanni 1090, under Section 14 of Regulation V of 1073:—

Whereas it has been found expedient to further amend the Code of Criminal Procedure (Regulation V of 1067), as amended by Regulations II and III of 1074, IV of 1082, VII of 1085 and Regulation VII of 1088; We are hereby pleased to enact as follows:—

† The Forms are omitted, as other periodical returns appear to have been substituted.

Section 340. Treat the present Section as Sub-section (1) and add the following as Sub-section (2):—

" Unless the Magistrate has reason to believe that any person brought before him is not a European British subject, the Magistrate shall ask such person whether he is such a subject or not ".

REGULATION IV OF 1090.

THE OPIUM REGULATION.

Contents

Chapter I.

Preamble.

Preliminary.

Sections.

1.	Short title, commencement.	...	...	1
2.	Repeal ...	...	...	2
	Saving of Notifications, Rules, &c.			
3.	Interpretation-Clause.	...	...	3
	"Opium."			
	"Import."			
	"Export."			
	"Transport."			

Chapter II.

Cultivation of the Poppy, and the Manufacture, Possession, Import, Export, Transport or Sale of Opium.

4.	Poppy cultivation prohibited.	...	...	4 (a)
5.	Prohibitions	...	...	4
6.	Power to make Rules	...	...	5
7.	Duty on opium imported by land	...	...	6
8.	Ware housing opium	...	...	7
9.	Power to make Rules relating to ware-houses		...	8

The figures on the right refer to the corresponding Sections of the Indian Opium Act I of 1878.

CHAPTER III.

Power to search, seize and arrest.

Sections.

10.	Power to search houses, &c., without warrant	...	14
11.	Power to seize opium in open places and to detain, search and arrest the offenders in open places	...	15
12	Searches how to be made	...	16
13.	Officers of certain Departments to assist	...	17
14.	Offences to be reported, &c.		
15.	Issue of warrants	...	19
16.	Report of arrest and seizure	...	21
17.	(a) Persons arrested how to be dealt with	...	20
	(b) Procedure by Police-station Officer.		
	(c) Procedure by Excise Inspector empowered to enquire.		
18.	Procedure by superior Officer.		
19.	Bond of accused and sureties.		
20.	Procedure in case of default of person admitted to bail to appear.		
21.	Excise Officers may summon witnesses.		
22	Terms of summons.		
23.	Examination of witnesses by Excise Officer.		
24.	When attendance of witnesses to be dispensed with, and procedure in such cases.		
25.	Law relating to Criminal Courts as to summoning of witnesses to apply.		
26.	Report of Excise Inspector gives jurisdiction to a competent Magistrate.		
27.	Power of Excise Inspector to cause attendance of witnesses before Magistrate.		
28.	Accused not to be detained in custody for a longer period than 24 hours without special authority.		
29.	Police to take charge of the articles seized.		

CHAPTER IV.

Offences and Punishments.

30.	Penalty for cultivation of poppy, &c. ...	...	9
31.	Presumption in prosecutions under Section 30	...	10
32.	What things are liable to confiscation ...	...	11
33.	Order of confiscation by whom to be made	...	12
34.	Penalty for vexatious seizure or arrest ...	...	18

CHAPTER V.

Miscellaneous.

Sections.

35. Power to make Rules regarding disposal of things confiscated and rewards ... 13

36. Recovery of arrears of fees, duties, &c. ... 23

37. Recovery of amounts due to grantees, farmers, &c ... 24

38. Power of superior Officers of the Excise Department.

39. Provisions of the Criminal Procedure Code applicable.

A Regulation to consolidate and amend the law relating to Opium

Passed by His Highness the Maha Raja of Travancore on the 19th December 1914 corresponding with the 4th Dhanu 1090 under Section 13 of Regulation V of 1073.

Preamble. Whereas it is expedient to consolidate and amend the law relating to opium; It is hereby enacted as follows:—

Opium Law: (1) For a long time in the past, Opium was an article of free trade, subject to an import duty of ten per cent. on a tariff valuation of Rs. 13-2 As per pound. It was in the year 1036 M.E., a Proclamation was issued which stopped the free trade in Opium and Ganja and instituted a source of revenue by a system of leases to the highest bidder.— *A. R., 1048—1049.*

In 1049, the export of Opium was subject to a duty of Rs. 700 per chest of 140 lbs. in view to prevent evasion of the British revenue.

(2) In 1059, the import duty was relinquished by a Proclamation. The sale of Opium was a State monopoly from the farming of which a revenue was derived. The importer paid the British Indian duty and brought the drug under permits granted by the British Resident. An import duty to the Travancore State in addition was found to operate as an inducement to smuggling through the State of Cochin which imposed no such duty and injuriously affected the revenue derived from the monopoly. It was consequently abolished.— *A. R., 1059.*

(3) As there was no definite law to regulate the administration of the two sources of revenue—Opium and Bhang—the Proclamation of 1036 being itself in many respects imperfect, a Regulation was passed in 1063 (VI of 1063) which amended and re-enacted the law. It repealed the above Proclamation and Section 38 of Regulation VI of 1010 so far as it related to the smuggling of Opium and Bhang. The Regulation prohibited the import, export, possession, manufacture and sale of Opium and Bhang except as permitted by it (Section 3); provided for the sale of the exclusive right to import, &c., (Sections 4 & 5); for punishment of illegal import, &c., (Section 6); and for confiscation of the articles and their disposal (Sections 8, 9 and 10); invested officers of certain Departments with power to enter buildings, vessels, &c.,

arrest persons, seize the articles (Sections 11-14 & 16-18); laid down penalty for vexatious entries, searches, &c., (Section 15): and also provided that all Opium and Bhang for which the accused could not account satisfactorily were articles in respect of which an offence had been committed under the Regulation.

Regn. IV of 1090: I. *Objects and Reasons.*—(1) "1. The Opium Regn. VI of 1063, contains the following defects:—(1) The cultivation of the poppy is not prohibited. (2) The transport of Opium is not brought within its purview. (3) Power is not reserved to make Rules for permitting the cultivation of the poppy and for transporting Opium. (4) Neither Constables nor peons of the Excise Department have power to seize Opium in any open place or in transit. (5) Power is not reserved for realising, under the Revenue Recovery Regulation, amounts due to farmers of Opium revenue from their licensees.

"2. The cultivation of the poppy and the manufacture of Opium under strict provision may open out a new industry. Although, at present, there may not be any pressing necessity for introducing this industry in the country, yet an Opium law which does not make any provision for attempting such cultivation must necessarily be defective.

"3. Though the existing Regulation neither prohibits the transport of Opium from one part of the State to another, nor empowers the Dewan to make Rules for such transport, the Opium Rules, dated the 15th August 1907, contain a set of provisions restricting the transport of the article within the State. The legality of these Rules may perhaps be questioned.

"4. Sec. 11 of the present Opium Regulation empowers certain Officers who are superior in rank to a Mudalper or Constable (and who are specially authorised by Government), to make searches in buildings; and Sec. 12 authorises only such Officers to seize Opium in any open place or in transit. It is necessary that all Constables as well as peons of the Excise and Revenue Departments, should have the power to seize Opium in open places or while in transit."—

S. O & R.

(2) In moving for leave to introduce the Bill, the Official Member in charge said that it was necessary to remedy the defects in Regn. VI of 1063 and place the administration of the Opium revenue on a more efficient footing, on the lines of the British Indian Act, I of 1878.—

L. C. P., dated 16-9-1909.

(3) At a later stage, the provisions of the Bill relating to the cultivation of the poppy and the manufacture of Opium were omitted on the motion of the Member in charge.

—*L. C. P., dated 3-3-1914*

II. Leave to introduce the Bill was granted at the meeting of the Council held on 15-9-1909 (*T. G. G., dated 28-9-1909*). The Bill was published on 19-10-1909, and was introduced and referred to a Select Committee on 26-11-1909 (*T. G. G., dated 7-12-1909*). The Committee's Report was published on 1-11-1910, and was presented to, and considered by, the Council on 30-11 1910 (*T.G. G., dated 13-12-1910*). The Bill as settled by the Council was also published. At the meeting of the Council held on 3-3-1914, it was resolved to omit from the Bill the provisions relating to the cultivation of the poppy and the manufacture of opium. This necessitated an examination of all the provisions of the Bill, and the Bill was therefore re-committed, at the same meeting, to a Select Committee (*T. G. G., dated 24-3-1914*). The second Committee's Report was published on 11-8-1914. The report was considered and the Bill was finally read and passed on 15-9-1914 (*T. G. G, dated 17-11-1914*). The Regulation was published in the Gazette dated 22-12-1914.

Chapter I.

Preliminary.

Short title, commencement.

1. This Regulation may be called "The Opium Regulation of 1090"; and it shall come into force on the first day of Makaram 1090, corresponding to the 14th January 1915.

Repeal.

2. (i) Regulation VI of 1063 is hereby repealed.

Saving of Notifications, Rules, &c.

(ii) But all Notifications, Rules and orders, made under the Regulation hereby repealed, shall be deemed to have been respectively made under this Regulation, except in so far as such Notifications, Rules and orders, may be inconsistent herewith.

Interpretation-Clause.

3. In this Regulation, unless there be something repugnant in the subject or context,—

"Opium".

"Opium" includes also poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy;

"Import".

"Import" means to bring into any part of Travancore from sea or from any foreign territory;

"Export".

"Export" means to take out of Travancore to sea or to any foreign territory;

"Transport".

"Transport" means to remove from one place to another within Travancore.

Sec. 3: The definition of Opium is the same as in the Indian Act and in the old Regn. VI of 1063.

Case Law.

1. A Magistrate convicted and sentenced to fine a prisoner, under Sec. 6 of Regn. VI of 1063 (=Sec. 30), for being in possession, without license, of a small quantity of poppy seeds. *Held*.—The Legislature could not have intended to include such a harmless article as poppy seeds in the definition of opium and that the possession of poppy seeds (Kasakasa) was no offence under Regn. VI of 1063. Opium is extracted from poppy-heads (or, in common language, fruits as a whole), but not from the seeds which are not, *per se*, intoxicating. That no penalty is attached to the possession of poppy seeds, *pure and simple*, is clear from the last Clause of Sec. 2 which speaks of intoxicating drugs prepared from the poppy and also from the reference to 'poppy-heads,'

CHAPTER II.

Cultivation of the Poppy, and the Manufacture, Possession, Import, Export, Transport or Sale of Opium.

Poppy cultivation prohibited.

4. The cultivation of the poppy is prohibited.

Prohibitions.

5. Except as permitted by this Regulation, or by any other enactment relating to opium for the time being in force, or by Rules issued under this Regulation, or under any such enactment, no one shall—

(a) manufacture opium,
(b) possess opium,
(c) transport opium,
(d) import or export opium, or
(e) sell opium.

Power to make Rules.

6. Our Government may, from time to time, by Notification in the Gazette, make Rules consistent with this Regulation, to permit absolutely, or subject to the payment of duty or fee or to any other conditions and to regulate within the whole or any specified part of Travancore, all or any of the following matters :—

(a) the manufacture of opium ;
(b) the possession of opium ;
(c) the import, export or transport of opium ;
(d) the sale of opium, and the form of duties leviable on the sale of opium by retail ; and
(e) generally to carry out the provisions of this Regulation.

---

and from no mention of poppy-seeds which are sold generally in all shops and used even by those who have religious scruples to use opium.— 8 T. L. R. App., 76.

2. A prisoner was convicted, under Sec. 6 of Regn. VI of 1063, for being in possession of a '*Lahium*' (a medical preparation) one of the ingredients of which was bhang in the ratio of 1 to 16. *Held.*—The conviction and sentence were illegal. The preparation was not 'bhang'. The definition of opium given in the Regulation clearly indicates that the Legislature did not intend to attach any criminality to the possession of any preparation which, among other ingredients, contained 'bhang'.—

9 T. L. R. App., 5.

Sec. 4: This Section comes in the Indian Act as Clause (a) of Secs. 4 and 5 which correspond to Secs. 5 and 6 respectively of the Regulation. *Vide* Objects and Reasons, *supra*.

Sec. 6: The Indian Act has the following Proviso to the corresponding Section 5 :—"*Provided that no duty shall be levied under any such Rule on any opium imported and on which a duty is imposed by or under the law relating to sea customs for the time being in force or under Section 6.*"

7. Our Government may, from time to time, by Notification in the Gazette, impose such duty as it thinks fit on opium or on any kind of opium imported by land into Travancore or into any specified part thereof, and may alter or abolish any duty so imposed.

Duty on opium imported by land.

8. Our Dewan may, by order notified in the Gazette,—

Ware-housing opium.

(a) prescribe the routes by which opium shall be imported or exported;

(b) authorise the establishment of depots or ware-houses for storing opium, manufactured in or legally imported into, or intended to be exported from, Our territory; and

(c) regulate the mode, time and place, of levying duty on opium.

When routes have been prescribed under Clause (a), no opium shall be imported or exported except through such routes, and when depots or ware-houses have been established under Clause (b), the owner of all opium manufactured in, or imported into, Our territory, shall deposit it in such depots or ware-houses. The Dewan may also, by Notification in the Gazette, cancel or modify such order.

9. Our Government may, from time to time, by Notification in the Gazette, make Rules, consistent with this Regulation, to regulate the safe custody of opium ware-housed under Section 8, the levy of fees for such ware-housing, the removal of such opium for sale, exportation or transport, and the manner in which it shall be disposed of, if any duty or fee leviable on it be not paid within twelve months from the date of ware-housing the same.

Power to make Rules relating to ware-houses.

CHAPTER III.

Power to search, seize and arrest.

10. Whenever an officer of the Excise Department not below the rank of an Inspector, or an Officer in charge of a Police Station, or any other class of Officer of Government superior in rank to a peon or constable who may, by Notification in the Gazette, be authorised by the Dewan in

Power to search houses, &c., without warrant.

Sec. 10: (1) Section 14 of the Indian Act runs thus:—*Any Officer of any of the Departments of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a*

this behalf, has reason to believe that opium, liable to confiscation under this Regulation, is manufactured, kept or concealed in any building, conveyance, vessel or enclosed place, and that the delay occasioned by obtaining a search-warrant under Section 15 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief,—

(a) enter into any such building, conveyance, vessel or place;

(b) in case of resistance, break open any door and remove any other obstacle to such entry;

(c) seize such opium, and all materials used in the manufacture thereof, and any other thing which he has reason to believe to be liable to confiscation under this Regulation;

(d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to be guilty of any offence relating to such opium under this Regulation:

Provided that every person arrested under this Section shall be admitted to bail by such Officer as aforesaid, if sufficient bail be tendered for his appearance before a Magistrate, or an Officer of the Excise Department not below the rank of an Inspector.

Power to seize opium in open places and to detain, search and arrest the offenders in open places.

11. Any Officer of the Excise, Police, or Land Revenue Department, may—

(a) seize, in any open place or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under this Regulation; and

(b) detain and search any person whom he has reason to believe to be guilty of any offence under this Regulation, and, if such person has opium in his possession, arrest him:

---

peon or Constable, who may, in right of his office, be authorised by the Local Government in this behalf, and who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation.........(d) detain and search .....offence relating to such opium under this or any other law for the time being in force."

(2) The Section contains no Proviso re admission to bail.

Sec. 11: (1) Section 15 of the Indian Act is:—"*Any Officer in any of the said Departments...... (a) seize......to confiscation under Section 11 or any other law for the time being in force relating to opium, (b) detain... his possession, arrest him and any other persons in his company*".

(2) This Section also contains no Proviso re admission to bail.

Provided that every person arrested under this Section shall be admitted to bail by such Officer as aforesaid, if sufficient bail be tendered for his appearance before a Magistrate or an Officer of the Excise Department not below the rank of an Inspector.

Searches how to be made.

12. All searches under the provisions of this Regulation shall be made in accordance with the provisions of the Code of Criminal Procedure.

Officers of certain Departments to assist.

13. All Officers of the Police and Land Revenue Department shall be legally bound to assist any Excise Officer, in carrying out the provisions of this Regulation.

Offences to be reported, etc.

14. Every Officer employed by Government, other than an Excise Officer, shall be bound to give immediate information of the commission of an offence under this Regulation to an Excise Officer, and every Excise Officer shall be bound to give immediate information to his immediate official superior, of all breaches of any of the provisions of this Regulation, which may come to his knowledge; and all such Officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which, they may know or have reason to believe, are about or likely to be committed.

Issue of warrants.

15. The Excise Commissioner, the Assistant Excise Commissioner, the Circle Officer, or other Officer authorised by Our Dewan in this behalf either personally or in right of his office, or a Magistrate may issue a warrant for the arrest of any person, who, he has reason to believe, has committed an offence relating to opium, or for the search, whether by day or by night, of any building, conveyance, vessel or place, in which he has reason to believe that opium liable to confiscation is kept or concealed.

Report of arrest and seizure.

16. Whenever any Officer makes any arrest or seizure under this Regulation, he shall, within twenty-four hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior as well as to the nearest Magistrate having jurisdiction.

Sec. 13: The Section (17) in the Indian Act is:—"*The Officers of the several Departments mentioned in Section 14 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.*"

Sec. 16: Section 21 of the Indian Act says:— "*Whenever any Officer...he shall, within forty-eight hours next...to his immediate official superior.*"

17. (a) When any person is arrested under the provisions of Section 10, 11 or 15 of this Regulation the person arresting him shall, unless bail shall have been accepted under the provisions of Section 10 or 11, forthwith forward him to an Excise Inspector, or, if there be no such Officer within a distance of ten miles from the place at which the arrest took place, to the nearest Police-station with a report of the circumstances under which such arrest was made.

Persons arrested how to be dealt with.

(b) On any such person being brought to a Police-station as aforesaid, the Officer in charge thereof shall either admit him to bail, to appear, when summoned, before the Excise Inspector as aforesaid, within the limits of whose jurisdiction the offence with which he is charged is suspected to have been committed, or in default of bail, shall forward him in custody to such Officer.

Procedure by Police-station Officer.

(c) On any person being brought in custody before such Excise Inspector as aforesaid, or appearing before him on bail, such Officer shall, after such enquiry as he may deem fit, either—

Procedure by Excise Inspector empowered to enquire.

(i) admit him to bail to appear before the Magistrate having jurisdiction, or in default of bail, forward him in custody to such Magistrate, or

(ii) release him on his executing a bond, with or without sureties as such Officer may think proper, to appear, if and when so required, before such superior Officer as the Government may, by general or special order, appoint in this behalf, and make a full report to such superior Officer of the circumstances under which such release was made.

Sec. 17 : Section 20 of the Indian Act runs thus:—"*Every person arrested, and thing seized, under Section 14 or Section 15, shall be forwarded without delay to the Officer in charge of the nearest Police station; and every person arrested and thing seized under Section 19 shall be forwarded without delay to the Officer by whom the warrant was issued.*

Every Officer to whom any person or thing is forwarded under this Section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing"

18. Every such Officer, on receipt of such report, shall, after such further enquiry as he considers necessary, either release the accused, or cause his appearance before the Magistrate having jurisdiction, in the manner provided in Section 17.

Procedure by superior Officer.

19. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the Officer admitting him to bail thinks proper, shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Officer before whom he was bailed to attend:

Bond of accused and sureties.

Provided that the Officer admitting any such person to bail may, at his discretion, dispense with the requirement of a surety or sureties to the bond executed by such person.

20. When, by reason of default of appearance of a person bailed to appear before an Excise Inspector or such superior Officer as is mentioned in Section 17, such Inspector or superior Officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties, in the manner provided by the Code of Criminal Procedure for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Procedure in case of default of person admitted to bail to appear.

21. Any Excise Officer holding an enquiry in the manner provided in Section 17, may summon any person to appear before himself to give evidence on such enquiry or to produce any document relevant thereto, which may be in his possession or under his control:

Excise Officers may summon witnesses.

Provided that no such Excise Officer shall summon any person to appear at a greater distance from the usual place of residence of such person than Our Government may, from time to time, by Rule direct.

22. Every summons, issued under the last preceding Section, shall state whether the person summoned is required to give evidence or to produce a document or both, and shall require him to appear before the said Officer at a stated time and place.

Terms of summons.

Examination of witnesses by Excise Officer.

23. Persons so summoned shall attend as required, and shall answer truly all questions relating to such enquiry put to them by such Officer, other than questions the answers to which would have a tendency to expose them to a Criminal prosecution or to a penalty or forfeiture. Such answers shall be reduced into writing and signed by such Officer. Such answers shall also be signed by such persons but shall not be used as evidence in any Criminal proceeding other than a proceeding on a charge of perjury against such persons :

Provided that no prosecution for giving false evidence in respect of any statement made under this Section shall be instituted, without the previous sanction of Our Dewan.

When attendance of witnesses to be dispensed with, and procedure in such cases.

24. It shall be lawful for an Excise Inspector, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom, by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such enquiry ; and such person shall be bound so to answer accordingly, and the provisions of Section 23 shall apply to such answers.

Law relating to Criminal Courts as to summoning of witnesses to apply.

25. The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts, shall, so far as the same may be applicable, apply to any summons issued by an Excise Inspector, and to any person summoned by him to appear under the provisions of this Regulation.

Report of Excise Inspector gives jurisdiction to a competent Magistrate.

26. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits any such person to bail to appear before such Magistrate, such Officer shall also forward to such Magistrate, a report, setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report, the Magistrate shall inquire into such offence and try the person accused thereof, in like manner as if report had been made to him under Clause (*b*) of Section 170 of the Code of Criminal Procedure.

Power of Excise Inspector to cause attendance of witnesses before Magistrate.

27. When an Excise Inspector forwards in custody any person accused of an offence under this Regulation to the Magistrate having jurisdiction to try the case, or admits him to bail to appear before such Magistrate, such Officer shall exercise all the powers conferred by the Code of Criminal Procedure on an Officer in charge of a Police-station, in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Accused not to be detained in custody for a longer period than 24 hours without special authority.

28. No person accused or suspected of having committed an offence under this Regulation, shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of a special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where an Excise Inspector may be and thence to the Court having jurisdiction to try the case.

Police to take charge of the articles seized.

29. All Officers in charge of Police-stations shall take charge of, and keep in safe custody, pending the orders of a Magistrate or of an Excise Inspector, all articles seized under this Regulation, which may be delivered to them; and shall allow any Excise Officer, who may accompany such articles to the Police-station, or who may be deputed for the purpose by his superior Officer, to affix his seal to such articles, and to take samples of and from them. All samples so taken shall also be sealed with the seal of the Officer in charge of the Police-station

CHAPTER IV.

Offences and Punishments.

Penalty for cultivation of poppy, &c.

30. Any person who, in contravention of this Regulation or of Rules made or orders issued hereunder,—

(a) cultivates the poppy, or

Sec. 30: (1) Section 9 of the Indian Act does not provide (a) for attempting or abetting the contravention of any provision of the Rules (b) for second or subsequent conviction.

(2) The punishment provided in the Indian Act is imprisonment up to one year or fine up to one thousand rupees, or both. The term of imprisonment in default of payment of fine is up to six months.

(*b*) manufactures opium, or

(*c*) possesses opium, or

(*d*) transports opium, or

(*e*) imports or exports opium, or

(*f*) sells opium, or

(*g*) imports or exports opium by any route not legally sanctioned for that purpose, or

(*h*) omits to ware-house opium, or removes or does any act in respect of ware-housed opium, or

(*i*) otherwise contravenes any provision of the Regulation, or Rules made or orders passed thereunder, or attempts or abets the contravention of any provision of the Regulation, or Rules made or orders passed thereunder,

shall, on conviction before a Magistrate, be punished, for each such offence, with imprisonment for a term which may extend to six months, or with fine which may amount to five hundred rupees, or with both. On a second or subsequent conviction, he shall be liable to imprisonment for a period not exceeding a year, or fine not exceeding one thousand rupees, or to both. Where fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned, in default of the payment of the fine, for a term which may extend to three months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced for the offence.

Presumption in prosecutions under Section 30.

31. In prosecutions under Section 30, it shall be presumed, until the contrary is proved, that all opium which the accused is unable to account for satisfactorily, is opium in respect of which he has committed an offence under this Regulation.

What things are liable to confiscation.

32. (1) In any case in which an offence under Section 30 has been committed,—

(*a*) the poppy so cultivated,

(*b*) the opium in respect of which any offence under the said Section has been committed,

(*c*) where, in the case of an offence under Clause (*d*) or (*e*) the offender is transporting, importing or exporting any

---

Sec. 32: The words in Sub-section (2)—"and the implements or articles, if any, employed......of opium"—do not occur in the Indian Act.

opium exceeding the quantity, if any, which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, importing or exporting, and

(*d*) where, in the case of an offence under Clause (*f*), the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

(2) The vessels, packages and coverings, in which any opium liable to confiscation under this Section is found, and the other contents, if any, of the vessel or packages in which such opium may be concealed, and the animals and conveyances used in carrying it, and the implements or articles, if any, employed in the cultivation of the poppy or manufacture of opium, shall likewise be liable to confiscation.

Order of confiscation by whom to be made.

33. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted but the Magistrate decides that the opium is liable to confiscation, such confiscation may be ordered by the Magistrate.

When an offence against this Regulation has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Excise Commissioner, the Assistant Excise Commissioner, the Circle Officer, or by any other Officer authorised by Our Government in this behalf by Notification in the Gazette either personally or in right of his office, who may thereupon order such confiscation:

Provided that no such order shall be made, until the expiration of one month from the date of seizing the things intended to be confiscated, or without hearing the persons, if any, claiming any right thereto.

Whenever confiscation is authorised by this Regulation, the Officer ordering it may, in lieu of confiscation, give the owner of the thing liable to be confiscated, an option to pay such fine as the Officer thinks fit.

Sec. 33: The corresponding Proviso to the 2nd Para, in the Indian Act, has at the end the following:—"claiming any right thereto, *and the evidence (if any) which they produce in support of their claims.*"

34. Any Excise, Police or other Officer, who, without reasonable ground or suspicion, enters or searches, or causes to be entered or searched, any building, conveyance, vessel or place, or vexatiously and unnecessarily seizes the property of any person, on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Regulation, or vexatiously and unnecessarily detains, searches or arrests any person, shall, for every such offence, be punished with fine not exceeding five hundred rupees, or in default of payment of the fine, with imprisonment of either description, for a term which may extend to six months.

Penalty for vexatious seizure or arrest.

CHAPTER V.

Miscellaneous.

35. Our Government may, from time to time, by Notification in the Gazette, make Rules, consistent with this Regulation, to regulate—

Power to make Rules regarding disposal of things confiscated and rewards.

(a) the disposal of all things confiscated under this Regulation, and

(b) the rewards to be paid to Officers or informers, out of the proceeds of fines and confiscations under this Regulation.

36. All duties, taxes, fines and fees, payable to Government direct, under any of the provisions of this Regulation or of any license issued under it, and all amounts due to Government by any grantee of a privilege, or by any farmer under this Regulation, or by any person on account of any contract relating to the opium revenue, may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of land revenue, and, in case of default made by a grantee of a privilege or by a farmer, the Excise Commissioner, or such other Officer as Our Government may direct in this behalf, may take the grant or farm under

Recovery of arrears of fees, duties, &c.

Sec. 34: The words—"or in default... ...six months"—do not occur in the Indian Act.

The last Section (25) of the Indian Act* provides for recovery of penalties due under bond. It runs thus:—"*When any person, in compliance with any rule made hereunder, gives a bond for the performance of any duty or act, such duty or act shall be deemed to be a public duty or an act in which the public are interested, as the case may be, within the meaning of the Indian Contract Act, 1872, Section 74; and upon breach of the condition of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him as if it were an arrear of land revenue.*"

management, at the risk of the defaulter, or may declare the grant or farm forfeited, and re-sell it at the risk and loss of the defaulter. When a grant or farm is under management under this Section, the Excise Commissioner, or such other Officer as Our Government may direct in this behalf, may recover any moneys due to the defaulter by any lessee or assignee, as if they were arrears of land revenue.

Recovery of amounts due to grantees, farmers, &c.,

37. When any amount is due to a grantee, farmer, lessee or assignee, of an exclusive privilege under this Regulation, from his licensee in respect of a license, such grantee, farmer, lessee or assignee may make an application to the Excise Commissioner, or other Officer authorised by Our Government in this behalf, praying such Officer to recover such amount on behalf of the applicant, and, on receiving such application, the Excise Commissioner or such other Officer may, in his discretion, recover such amount as if it were arrears of land revenue; and, if the amount claimed is disputed, the Excise Commissioner or, under his orders, the Assistant Excise Commissioner or Officer in charge of a Circle, or such other Officer, shall summarily enquire into and decide the same, subject to the right of the party dissatisfied with the decision to establish his claim by a suit:

Provided that the execution of any process issued in connection with the recovery of such amount shall be stayed, if the licensee institutes a suit in the Civil Court to try the demand of the grantee, farmer, lessee or assignee and furnishes a security, to the satisfaction of the Officer issuing such process, for the payment of the amount, which such Court may adjudge to be due from such licensee to such grantee, farmer, lessee or assignee:

Provided also that nothing contained in this Section or done thereunder, shall affect the right of any grantee, farmer, lessee or assignee, of an exclusive privilege under this Regulation, to recover, by suit in the Civil Court or otherwise, any amount due to him from his licensee.

Power of superior Officers of the Excise Department.

38. Excise Officers superior in rank to an Excise Inspector may exercise the same powers throughout the local area to which they are appointed, as may be exercised by such Inspector within the limits of his jurisdiction.

Provisions of the Criminal Procedure Code applicable.

39. The provisions of the Code of Criminal Procedure for the time being in force shall be applicable to all arrests made under this Regulation and to all other matters of procedure in cases arising under this Regulation.

RULES AND NOTIFICATIONS.

I. RULES.

(I)

Rules applicable to Opium and Ganja.

UNDER SECTIONS 5 AND 10 OF REGULATION VI OF 1063, AND UNDER SECTIONS 5 AND 26 OF REGULATION IV OF 1073 SO FAR AS THE LATTER RELATES TO GANJA AND OTHER INTOXICATING DRUGS.

(Dated 15th August 1907.) (a)

[As amended.]

Interpretation.

1. (1) In these Rules, " Excise Commissioner " means the Chief Executive Officer in charge of the *Separate Revenue Department* comprising Salt, Abkari, Tobacco, Opium, Land and Sea Customs and Marine.

(2) " Assistant Excise Commissioner " means the Officer in executive charge of a Separate Revenue Division subject to the control of the Excise Commissioner.

Explanation:—For the purpose of these Rules, the State is divided into four Divisions, *viz.*, Northern, Alleppey (comprising the territorial jurisdiction of the local 1st Class Magistrate), Central and Southern (comprising the *Revenue Divisions* of Trivandrum and Padmanabhapuram).

(3) " Circle Officer " means an Excise Officer in charge of a Circle under the direct control of an Assistant Excise Commissioner.

(4) " Circle " means a Sub-Division of a Separate Revenue Division.

(5) " Range " means a portion of a Circle in charge of an *Excise Inspector.*

(6) " Excise Officer" means any Officer of the Separate Revenue Department of and above the grade of a Petty officer.

i. All Officers of the Separate Revenue Department of and above the grade of peons shall be deemed to be Abkari Officers for the purpose of the Abkari Regulation.

ii. For the purpose of Sections 36 to 49 inclusive of the said Regulation, all Circle Officers and Excise Inspectors shall be deemed to be Abkari Inspectors.

(a) *T. G. G., dated 20—8—1907, Pt. I. Pp. 939—946.*

So far as Opium is concerned, these Rules have been superseded by those issued under Notifn. R. Dis. No. 1842/Devt., dated 16th August 1922—See *Infra.*

iii. Any Excise Officer above the grade of a Petty officer shall have authority to exercise the powers under Sections 11 and 12 of the Opium Regulation, VI of 1063.

(7) "Opium" means the inspissated juice of the poppy.

(8) "Poppy heads" means the dry capsules of the poppy plant.

(9) "Intoxicating drug" means any intoxicating or narcotic drink or preparation or any substance prepared from any part of the ganja or poppy plant, and includes ganja, charas, bhang, madak and chandu and every preparation and admixture thereof and of opium and poppy and kafa, but does not include poppy heads.

"Ganja" means the dried flowering tops of cultivated female hemp plants which have become coated with resin in consequence of having been unable to set seeds freely.

"Charas" means the resinous matter formed on the flowering tops of cultivated female hemp plants when collected separately.

"Bhang" means the dried leaves of the hemp plant whether male or female and whether cultivated or uncultivated.

"Contractor" means a person who has, under a license obtained either from the Dewan or from the Excise Commissioner, as the case may be, the exclusive right of import or of wholesale or retail vend of opium (except where intended for smoking), ganja or other intoxicating drug either throughout the State or in one or more of the Revenue Divisions, Taluks, Proverthis or Pakuthis.

(10) "Licensed vendor" means a person who has obtained a license under these Rules for vending opium, ganja or other intoxicating drug in one or more shops.

(11) "Independent licensed vendor" means a vendor who has obtained a license direct from the Dewan, Excise Commissioner or the Assistant Excise Commissioner for vending opium, ganja or other intoxicating drug in one or more shops.

(12) "Dependent licensed vendor" means a vendor who has obtained a license from the Dewan or from the Excise Commissioner or Assistant Excise Commissioner as the case may be, on the requisition of a contractor for vending opium, ganja or other intoxicating drug and who receives his supply from the contractor.

(13) "Sale by wholesale" means the sale of any quantity exceeding one tola of raw opium or preparations thereof used for purposes other than smoking, or of any quantity of ganja, bhang, or preparations thereof in excess of one tola.

(14) "Sale by retail" means the sale of any quantity not exceeding one tola of raw opium or preparations thereof used for purposes other than smoking, or of any quantity of ganja, bhang or preparations thereof not exceeding one tola.

(15) "Tola" means a weight of one-hundred-and-eighty grains troy or the weight of one British rupee.

(16) "Pound" means 40 tolas.

(17) "Seer" means a weight of 80 tolas (2 lbs.).

Import.

2. No opium, ganja or other intoxicating drug shall be imported into Travancore except on behalf of Government or under Rule 20, except what may be carried for immediate personal consumption by a *bona fide* adult traveller which is limited to one tola.

[No opium or ganja or preparations thereof shall be imported into Travancore except through the Customs house mentioned in the license or permit authorising the import, and no person importing any opium or ganja or any preparation thereof shall effect its removal from the custody of the Customs Officer or any other Officer to whom such Customs Officer is subordinate, unless and until it has been verified by the Excise Officer in charge of the Circle, in the presence of such importer or his authorised agent.] (a)

[The Officers in charge of Chowkeys are authorised to verify preparations of opium and ganja imported through their respective Chowkeys.] (b)

Sale.

3. No opium, ganja or other intoxicating drug shall be sold without a license from the Dewan, the Excise Commissioner, the Assistant Excise Commissioner, [or the Circle Officer] (c), as the case may be.

4. Contractors or independent licensed vendors shall pay the value of the required article, at the prescribed rate which will be notified in the Government Gazette from time to time, into the nearest Taluk or other Government Treasury on a chellan granted by the Range Officer concerned, who, before granting it, shall assure himself that the applicant is a contractor or independent licensed vendor. The receipt granted by the Treasury Officer shall be produced by the contractor or independent licensed vendor at the local depot. Thereupon the Officer in charge shall issue the article paid for with the prescribed pass for transit, a duplicate of which he shall immediately forward by Anchal to the Range Officer for verification before sale by the contractor, &c.

5. No smaller quantity than 5 seers of opium and 10 seers of ganja or other intoxicating drug shall be issued at a time from the Central Depot to a local depot

(a) Added by Govt. Notifin No. S. R. 250 dated the 25th January 1913.—*T. G. G., dated 4-2-1913, Pt. I, P. 258.* Rule 20 referred to is Rule 8 *Infra.*

(b) Added by Govt. Notifin. No. S. R. 196 dated 28th January 1918,—*T. G. G., dated the 5th February 1918, Pt, IV, Excise Dept., P. 68.*

(c) Added by Govt. Notifn. No. S. R 5493 dated the 5th August 1909.—*T. G. G., dated 10-8-1909, Pt. I, P. 1878.*

This Rule 3 was Rule 15 in the Notification of 1907. Preceding that Rule, there were Rules 3 to 14 regarding Storage and Issue. These latter Rules were deleted, and the remaining Rules renumbered by Notifn. D. Dis, No. 330 dated 16-2-1926, for which see *Infra*.

and no smaller quantity than one seer of opium or two seers of ganja or other intoxicating drug shall be issued at a time from the local depots to contractors or independent licensed vendors :

Provided that, when the application for such articles refers to the last quarter of the term of the contract or license, the supply shall be strictly limited to the average consumption for such period calculated on the expired portion of the contract or license.

6. No opium, ganja or other intoxicating drug exceeding one tola shall be sold by a contractor or licensed vendor to the public at a time without a pass specifying the quantity sold, the price paid for it, and the purpose for which it is purchased.

7. No person shall have in his possession or custody without a license from the Dewan, Excise Commissioner, Assistant Excise Commissioner [or Circle Officer] (a) as the case may be, or a permit from a contractor or licensed vendor, more than one tola of opium, ganja or other intoxicating drug or any preparation thereof.

8. Medical practitioners or other persons desirous of importing or selling any medicine or medical preparation in which opium forms an ingredient, or any admixture of ganja or other produce of the hemp plant, shall apply to the Dewan, Excise Commissioner, Assistant Excise Commissioner [or the Circle Officer] (a), as the case may be, for a license for import on paying a fee of Re. one for each import, and for sale on paying a fee of Rs. five per annum, respectively. The application for such license shall contain the name, residence, &c., of the applicant, the boundaries, Survey No. or other description of the institution, shop, building or other place where the medicine, &c., are intended to be received or sold and the quantity thereof.

9. [The following are some of the medicines which contain opium :—

1. Acidum moconieum
2. Antispasmin
3. Apomorphine
4. Chlorodyne (Liquor chloroformi composita.)
5 Codena
6. Codeonal
7. Confectio opii
8. Diacetyl-morphinae (Heroin)
9. Diamorphinae Hydrochloridum B. P. Syn Diacetyl-Morphinae Hydrochloride. No. Syn Heron Hydrochloride (Diaphorm).
10. Diarrhœa and Cholera mixture
11. Elixir Heroin cum Terpene
12. Emplastrum opii
13. Extractum opii (pure)
14. Do. (Liquidum)
15. Glycaphorm syn Glycerole of Diacetylmorphinae Hydrochloride

(a) Added by Govt Notifn. No. S. R. 5493 dated the 5th August 1909.—
T. G. G., dated 10-8-1909, Pt.I, P. 1878.

16. Guttae Rosae
17. Laudano Vino Opiato composito
18. Laudanon
19. Laudanum (Tincture Thebaica)
20. Linctus Heroin
21. Linimentum opii
22. Liquor opii sedativus (Battleys)
23. Lodal
24. Mistura Anodyne
25. Mistura Anti-cholerica
26. Mistura Tussi Rubra
27. Mono-Ethyl-morphine Hydrochloride (Dionin)
28. Morphine-Methyl Bromide (syn) Morphosan
29. Morphia (hydrochloride, acetas. Sulphas)
30. Morphine Narcotine Meconade (syn) Narcophin
31. Nepenthe and its preparations
32. Olem Papaveris
33. Omnopon (syn) Pantopan
34. Pastilli Heroin
35. Pavimol (syn) Emulsio Olei Papaveris
36. Pilula Ipecac cum Coilla
37. Pilula Plumbicum opio
38. Pilula Saponis Composita
39. Pleistopon
40. Pulvis cretae Aromaticus cum opio
41. Pulvis Compositus cum opio
42. Pulvis Ipecac compositus
43. Pulvis Kino compositus
44. Pulvis opii
45. Pulvis opii compositus
46. Suppositoria Plumbi composita
47. Tabaico (opium)
48. Tincture Anti choleria Conradi (Conrad's Koleradraaber)
49. Tinctura Camphora Composita
50. Tincture opii
51. Tincture opii Ammoniata
52. Trochisci Sedative
53. Unguentum Galtae cum opio
54. Vinum opii.] (a)

Transport.

10. The transport of opium, ganja or other intoxicating drug or any preparation thereof within the State by contractors, licensed vendors, or licensees under Rule 20 is prohibited except under the following condition :—

A contractor, licensed vendor or licensee as aforesaid, desiring to transport opium, ganja or other intoxicating drug or any preparation or admixture thereof from one Separate Revenue Division to another, shall obtain a pass for each consignment from the Commissioner or Assistant Commissioner; from one Taluk to another, from the Assistant Commissioner, Circle or other Officer; from one shop to another in a Range, either from the said Officers or from the Range Inspector or from the contractor or licensed vendor within the limits of whose license the shops are situated. No contractor or licensed vendor shall have authority to carry or cause to be carried any quantity of opium, ganja or other intoxicating drug or any preparation or admixture thereof beyond the limits of his license.

(a) List revised by Govt Notifn No. S. R., 2078 dated 2nd August 1917.— *T. G. G., dated 7-8.1917, Pt. I P. 893.*

11. The pass shall specify :—

(a) The name of the person to whom it is granted ;

(b) the name of the person in charge of the consignment ;

(c) the place from which it is issued ;

(d) the name of the consignee ;

(e) the number of packages, and the weights and contents of each ;

(f) the destination of the consignment ;

(g) the period allowed for transfer ;

(h) the route to be taken ; and

(i) the name and signature of the Officer or other person granting it.

12. A duplicate of every transport pass granted as aforesaid shall be sent by the Officer or other persons granting it by Anchal to the Inspector to whose Range the consignment is to be taken.

13. The pass and the consignment shall on arrival be presented for examination to the Officer to whom the duplicate of the pass has been despatched. The Circle or other Officer shall thereupon proceed in the manner laid down in Rule 12. (a)

14. Contractors, &c., may sell opium, ganja or other intoxicating drug or any preparation thereof to others than the public as follows :—

(1) A contractor may sell to—

(a) dependent licensed vendors within the limits of his license ;

(b) medical practitioners.

(2) A dependent licensed vendor may sell to—

(a) another dependent licensed vendor with the consent of the contractor within the limits of his license ;

(b) medical practitioners within the limits of his shop.

15. When opium, ganja or other intoxicating drug is transported from one licensed shop to another as aforesaid, the pass shall be granted by the contractor or vendor or by his duly authorised agent. Such pass shall be produced when required by any Officer of the Excise, Police or Revenue Department for inspection.

General.

16. Any person entering or leaving the Central or a local depot is liable to be searched, if necessary, for the purpose of ascertaining if he has on his person any opium, ganja or other intoxicating drug not permitted by the Rules.

(a) This is the old Rule deleted as per Notifn dated 16-2-1926. The Rule was "12. The Officer receiving the supply indented for, shall open the package and verify the contents and send to the Assistant Excise Commissioner in charge of the Central Depot an acknowledgement with a certifiate of verification in the prescribed Form."

17. Any license granted under Rule 20 (a) shall be liable to be cancelled under orders of Government, if it is established that the licensee has been dealing in opium, ganja or other intoxicating drug, or any preparation or admixture thereof for other than purely medical purposes under the cover of such license.

18. (1) The right to vend opium ganja or other intoxicating drug, or any preparation thereof, shall be put up to auction in the month of Ani by the Dewan, Excise Commissioner, Assistant Excise Commissioner [or Circle Officer] (b) in such manner and subject to such conditions of sale, general or special, as shall be fixed by the Dewan from time to time and shall—

(A) extend to—

(a) either the whole State, or

(b) a Separate Revenue Division, or

(c) one or more Taluks for a term not exceeding two years, or

(B) be limited to Pakuthis or shops for a term not exceeding one year.

(2) Sales held by Excise Commissioner, Assistant Excise Commissioner, [or Circle Officer] (b) shall be subject to confirmation by the Dewan.

19. Government may from time to time fix the maximum or minimum rate at which opium, ganja or other intoxicating drug, or any preparations thereof may be retailed in any particular locality, and no opium, ganja or other intoxicating drug or any preparation thereof shall be sold either below the minimum or above the maximum rate so fixed.

20. No smoking preparation of opium shall be sold, but smokers may prepare the same for their own use from opium in their lawful possession up to a limit of one tola at a time. Under no circumstances shall smoking preparations of opium be kept in a licensed shop.

21. If any contractor or licensed vendor should have in his possession, on the expiry, cancellation or forfeiture of his license, any opium, ganja or other intoxicating drug, or any preparation thereof, he shall surrender the same to the Excise Commissioner or Assistant Excise Commissioner or Circle Officer, as the case may be, who shall pay him the value thereof at a rate not exceeding the rate paid by him, provided the article has not undergone any substantial deterioration.

22. (1) Opium, ganja or other intoxicating drug confiscated under the Regulations, or surrendered under these Rules, shall be examined by the Excise

(a) Under Notifn dated 16-2-1926, Rule 20 is Rule 8 above, as per renumbering.

(b) Added by Govt Notifn. No. S. R. 5493 dated the 5th August 1909.—
T. G. G. dated 10-8-1909, Pt. I, P. 1871.

Commissioner or Assistant Excise Commissioner who may send it to the Chemical Examiner, in case he is unable to decide whether it is fit for use or not. The Chemical Examiner shall after examination return the article with his opinion thereon.

(2) The Excise Commissioner or Assistant Excise Commissioner shall, if the article be declared fit for use, forward it to the nearest local depot to be taken into stock. If the confiscated article is declared unfit for use, it shall be immediately destroyed in the presence of the Excise Commissioner or Assistant Excise Commissioner or any other Officer deputed for the purpose.

(3) Preparations of opium, confiscated under the Opium Regulation or surrendered under these Rules, shall be immediately destroyed.

23. When a case relating to opium, ganja or other intoxicating drug is discharged by the Inspector, a report of such discharge shall be made to the Assistant Excise Commissioner and the article seized shall be returned to the party from whose possession it was taken, unless the Inspector deems it necessary that it should be destroyed. In the latter case, the Inspector shall forward with his report the article seized to the Assistant Excise Commissioner who shall then deal with it as laid down in Rule 34,[a] provided that no article seized under this Rule shall be returned or destroyed without orders to that effect being obtained from the Excise Commissioner.

24. The grant of rewards to Officers of the Excise and other Departments of the State referred to in the Opium and Abkari Regulations and to informers in cases of seizure or confiscation under the Opium or Abkari Regulation, shall be regulated by the following Rule :—

In cases involving special risk, difficulty or sacrifice, exemplary bravery, noteworthy zeal or skill, on the part of the Officers of the Excise or other Departments of the State, or in cases where first authentic information leading to seizure or detection is furnished by any other person, the Commissioner may recommend to the Dewan the grant of a reward not exceeding half the value of the article seized or confiscated.

25. Any person guilty of infringement of any of these Rules shall be liable to punishment as for an infringement of the provisions of the Opium and Abkari Regulations.

26. Nothing herein contained shall affect any Rule or Notification at present in force so far as it is not inconsistent with these Rules.

(a) Rule 34 is now Rule 22.

(9)

Opium Rules.

(Govt. Notifn. R. Dis. 1842/22/Developt. dated 16th August 1922.) (a)

The Government of His Highness the Maha Raja are pleased to make the following Rules under Sections 6 and 35 of the Opium Regulation IV of 1090. These Rules supersede all existing Rules relating to opium.

[As amended.]

Interpretation

I. In these Rules, unless there be something repugnant in the subject or context :—

(1) 'Approved practitioner' means.

(a) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of British Parliament amending the same or under any law for the registration of medical practitioners for the time being in force in any part of British India or in Travancore, or

(b) any person registered as a dentist under the Dentists' Act, 1878, and any Act of British Parliament amending the same, or

(c) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of British Parliament amending the same Acts or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India or in Travancore and approved by the Government for the purpose of these Rules, or of corresponding Rules for the time being in force in any part of British India or in Travancore,

(d) any other person engaged in medical or veterinary practice and approved by the Government for the purpose of these Rules or of corresponding Rules for the time being in force in any part of British India or in Travancore.

(2) 'Excise Commissioner' means the Chief Executive Officer in charge of the Separate Revenue Department comprising Salt, Abkari, Tobacco, Opium, Land and Sea Customs.

(3) 'Assistant Excise Commissioner' means the Officer in executive charge of a Separate Revenue Division subject to the control of the Excise Commissioner.

(a) *T. G. G., dated 22-8-1922, Pt. IV, Excise Dept. Pp. 331-335.*

(4) 'Range' means a local area from time to time constituted as such by Government by Notification in the Gazette.

(5) 'Excise Inspector' means an Officer of the Excise Department in charge of a Range.

(6) 'Intoxicating drugs' mean any intoxicating or narcotic preparation of opium and of the poppy, except

(i) poppy-heads as hereinafter defined and

(ii) morphia or morphia drugs as defined in the Travancore Morphia Rules.

(7) 'Licensed Chemist' means a person who has obtained from the Excise Commissioner or Assistant Excise Commissioner a license for the retail sale of opium and intoxicating drugs other than those used for smoking, for medicinal purposes.

(8) 'Licensed vendor' means a person who has obtained from the Excise Commissioner or Assistant Excise Commissioner a license for the retail vend only of opium or of intoxicating drugs other than those used for smoking.

(9) 'Opium' means the inspissated juice of the poppy and includes poppy-heads which have not been lanced and dried or from which the juice has not been extracted.

(10) 'Poppy-heads' means the heads or capsules of the poppy plant which have been lanced and dried or from which the juice has been extracted.

(11) "Seer' means a weight of 80 tolas.

(12) "Tola" means a weight of 180 grains troy.

(13) ["Wholesale sale" means the sale of any quantity of opium exceeding one tola or of intoxicating drugs, other than those used for smoking, containing more than one tola of opium.] (a)

(14) ["Retail sale" means the sale of any quantity of opium not exceeding one tola or of intoxicating drugs, other than those used for smoking, containing not more than one tola of opium.] (a)

Manufacture.

II. The manufacture of intoxicating drugs is permitted,—

(a) by any person for his private consumption and not for sale, in such quantities and from such opium as he may be entitled to possess under Rule III or Rule VI *infra*;

(b) by any licensed vendor or licensed chemist in accordance with the terms of his license:

(a) Substituted by Govt. Notifn. Dis. No. 2184 Develpt. dated 11th December 1925.—*T. G. G., dated 5-1-1926, Pt. IV, Excise Dept, P. 77.*

For the purpose of Clause (a), the words 'intoxicating drugs' shall be deemed to include intoxicating and narcotic preparations of opium and of the poppy which are used for smoking.

Possession.

III. Any person may have in his possession,—

(1) [(a) Any quantity of opium not exceeding one tola or intoxicating drugs other than those used for smoking, containing not more than one tola of opium.] (a)

(b) Any quantity not exceeding half a tola of intoxicating drugs used for smoking.

Provided that the said articles not being intoxicating drugs used for smoking shall have been obtained by purchase from a licensed vendor or licensed chemists; or being intoxicating drugs whether used for smoking or other purposes shall have been manufactured for private consumption from opium so obtained.

(2) Any approved practitioner may have in his possession for use in the exercise of his profession, but not for sale, such quantities of opium and preparations thereof as may be declared by the Durbar Physician to be equivalent to 120 grains of morphia.

IV. Any licensed vendor may have in his possession any quantity permitted by the terms of his license, of opium or intoxicating drugs other than those used for smoking.

[V. Any licensed chemist may have in his possession, for purposes of retail sale, any quantity of opium not exceeding one seer or intoxicating drugs, other than those used for smoking, containing not more than one seer of opium.](a)

[V-A. Every package or bottle containing intoxicating drugs shall be marked with the percentage or proportion or amount of opium contained in the intoxicating drugs.] (b)

VI. Any person who is specially authorised by the Excise Commissioner, with the sanction of the Government, but not otherwise, may have in his possession such quantity of opium or intoxicating drugs as his special authority may cover.

Transport.

VII. The transport of opium or intoxicating drugs other than those used for smoking by licensed vendors and licensed chemists is permitted under the following Rules VIII to XII.

VIII. Opium transported from any Government Treasury or Taluk office shall be covered by a pass granted by the Officer in charge of the Treasury or Taluk office.

(a) Substituted by Govt. Notifn. Dis. No. 2184 Devpt, dated the 11th December 1925.—*T. G. G. dated 5 1-1926, Pt. IV, Excise Dept, P. 77.*

(b) Inserted by above Notification.

IX. A copy of every pass granted under Rule VIII shall be sent to the Excise Inspector of the Range to which the consignment is to be transported.

X. Transport from one shop to another of opium or introxicating drugs other than those used for smoking may be permitted under the special orders of the Assistant Excise Commissioner of the Division in which both the shops are situated.

XI. Every pass issued under Rules VIII and X shall be retained in the shop of the licensed vendor or licensed chemist to which the consignment is made.

XII. Any Revenue Officer not inferior in rank to a Deputy Tahsildar, any Salt, Abkari and Customs Officer not inferior in rank to a Petty Officer or any Police-Officer not inferior in rank to a Head Constable may at any time examine any consignment of opium or intoxicating drugs in transit. If, after such examination the Officer finds that the quantity of opium or intoxicating drugs transported corresponds with the quantity specified in the pass the consignment shall be allowed to proceed. Otherwise the consignment shall be retained pending the orders of the Excise Commissioner who may charge, in respect of any excess or deficiency, double the rates payable under Rule XVIII for opium supplied from the Treasury or Taluk Office and may also on proof of malpractice withdraw the licensed vendor's or chemist's license and otherwise deal with him as provided in the Opium Regulation IV of 1090.

Import.

XIII. (a) No opium shall be imported into Travancore except on behalf of Government and except what may be carried for immediate personal consumption by a *bona fide* adult traveller which is limited to one tola.

(b) Import of intoxicating drugs used for smoking is prohibited.

XIV. Approved practitioners and licensed chemists may with the permission of the Excise Commissioner or Assistant Excise Commissioner import intoxicating drugs other than those used for smoking.

XV. No intoxicating drugs shall be imported into Travancore except through the Customs house mentioned in the license or permit authorising the import and no person importing any intoxicating drug shall effect its removal from the custody of the Customs Officer unless and until it has been verified by the Customs Officer in the presence of the imported or his authorised agent.

Export.

XVI. Export of opium or intoxicating drugs other than those used for smoking is not permitted except under a permit issued by the Excise Commissioner and on production by the intending exporter of the import permit granted by the authority appointed for the purpose of the place to which the opium or intoxicating drug is to be exported.

XVII. Rules VII to XVI regarding transport, import and export shall not be understood to permit the transmission of opium and intoxicating drugs by post or anchal.

Sale.

XVIII. Opium will be supplied on prepayment of the issue price at such rates as the Government may, from time to time, prescribe by Notification in the Gazette, at any Treasury or Taluk Cutcherry at which the Government may authorise the keeping of the drug for sale in quantities for half a seer of opium and multiples thereof to any licensed vendor or to any licensed chemist.

XIX. Opium or intoxicating drugs other than those used for smoking may be retailed under license from the Excise Commissioner or Assistant Excise Commissioner and in accordance with the conditions specified in the license.

XX. [A licensed vendor may sell by retail at one time to any person any quantity of opium not exceeding one tola or intoxicating drugs, other than those used for smoking, containing not more than one tola of opium.] (a)

XXI. The Excise Commissioner may, from time to time, fix the prices or fix the maximum and minimum prices at which opium or intoxicating drugs other than those used for smoking may be retailed in any particular locality.

License.

XXII. Licenses may be granted by the Excise Commissioner or Assistant Excise Commissioner:—

(1) for the retail vend of opium or for the manufacture and retail vend of intoxicating drugs other than those used for smoking either jointly or severally;

(2) for the retail vend of opium or for the manufacture and retail vend of intoxicating drugs other than those used for smoking by licensed chemists for medicinal purposes only.

The monopoly of vend at shops of the retail vend of opium or intoxicating drugs other than those used for smoking or both shall be put up to auction by the Excise Commissioner or Assistant Excise Commissioners every year or once every two years and may in special cases be granted on tender or for fixed fees as the Government may order. The sales held by the Excise Commissioner or Assistant Excise Commissioners shall be subject to confirmation by Government.

XXIII. The Excise Commissioner may cancel or suspend a license or pass granted under the Opium Regulation or under these Rules.—

(a) if any fee or duty payable by the holder thereof be not duly paid; or

(a) Substituted by Govt. Notifn. R. Dis. No. 2184/Develpt. dated 11th December 1925.— *T. G. G., dated 5-1-1926, Pt. IV, Excise Dept. P. 77.*

(b) in the event of any breach by the holder of such license or pass or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such license or pass; or

(c) if the holder thereof is convicted of any offence against the Opium Regulation or any other law for the time being in force relating to the Excise revenue or of a breach of the peace or of any other criminal offence, or

(d) if the conditions of the license or pass provide for such cancellation or suspension at the will of the Excise Commissioner.

XXIV. (1) If any licensed vendor has in his possession, on the expiry, cancellation or forfeiture of his license, any opium or intoxicating drugs other than those used for smoking which he is unable to dispose of to the satisfaction of the Assistant Excise Commissioner by private sale to other licensed vendors, he shall surrender the same to the Assistant Excise Commissioner and the incoming licensed vendor or if the expired or cancelled or forfeited license is not renewed any licensed vendor within the Division when required by the Assistant Excise Commissioner shall be bound to purchase the articles aforesaid to the extent of two months' supply at such price and in such quantities as the Assistant Excise Commissioner shall adjudge; provided that the price of opium thus adjudged shall in no case exceed the rate at which it can be procured from the Government; provided also that if such articles be declared by the senior Medical Officer of the Division or the Excise Commissioner to be unfit for use, the Assistant Excise Commissioner shall cause them to be destroyed.

(2) In cases in which a license is suspended, the licensee shall surrender the stock in his possession to the Assistant Excise Commissioner to be returned to him or disposed of as provided in the case of expired or cancelled licenses, according as the suspended license is afterwards restored or cancelled.

Disposal of Things Confiscated

XXV. (1) Opium confiscated under the Regulations shall be examined by the Excise Commissioner or Assistant Excise Commissioner who may send it to the Chemical Examiner in case he is unable to decide whether it is fit for use or not. The Chemical Examiner shall after examination return the article with his opinion thereon.

(2) The Excise Commissioner or Assistant Excise Commissioner shall if the article be declared fit for use, forward it to the nearest local depot to be taken into stock. If the confiscated article is declared unfit for use it shall be immediately destroyed in the presence of the Excise Commissioner or Assistant Excise Commissioner or any other Officer deputed for the purpose.

(3) Intoxicating drugs confiscated under the Opium Regulation shall be immediately destroyed.

Rewards to be paid to Officers and Informers.

XXVI. When any Magistrate convicts an offender under Section 30 of the Opium Regulation, IV of 1090, or when any Magistrate or other authorised Officer orders the confiscation of opium or intoxicating drugs under Section 33, the Government may grant a reward not exceeding the value of the opium or intoxicating drugs confiscated in the case, plus the amount of any fine imposed, in such proportions as they may think fit, to any person or persons who have contributed to the seizure of the opium or introxicating drugs or the conviction of the offender. If in any case, the reward which may be granted under this Rule is inadequate, or if no fine is imposed or confiscation ordered, or if the fine or forfeiture is not realised, the Government may grant such reasonable rewards as may seem to them fair.

Poppy Heads.

XXVII. Poppy-heads may be possessed, transported, sold, imported and exported by any person without restriction.

Miscellaneous.

XXVIII. The Government may, consistently with the provisions of the Opium Regulation and of these Rules, determine from time to time, as they see fit, in cases of licenses and passes granted,

(a) the fees to be charged for such licenses or passes and the period for which they shall be issued;

(b) the restrictions and conditions under which and the forms in which such licenses and passes shall be granted; and

(c) the particulars which such licenses and passes shall contain.

All forms prescribed and subsidiary Rules made by the Government under the above Rules shall be published in the Gazette.

XXIX. The following preparations are exempted from the operation of the Opium Regulation and may, therefore, be possessed, transported, sold, imported and exported without restriction —

[1. Brompton's Consumption and Cough specific.
2. Mistura Pepsinae Composita cum Bismutho.
3. Linctus opiatus.
4. Lotio Plumbic Opio.
5. Mistura Seillae. Co.
6. Syrupus Camphorae Co.
7. Tinctura Antiperiodica.
8. Pulvis Ipecac Co. or Dover's Powder.
9. Ung. Gallae c Opio.
10. Enteronal or Cholerol.

11. A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Co., London, and labelled as such.

12. Cotanina.] (a)

Note.—This rule should not be understood to permit the import of the articles specified in it by Post or Anchal from foreign countries, which is absolutely prohibited.

---

(3)

Morphia Rules.

(Govt. Notifn. R. Dis. No. 1842/22/Developt., dated 16th August 1922.) (b)

In exercise of the powers conferred by Sections 6 and 35 of the Opium Regulation, IV of 1090, the Government are pleased to make the following Rules to regulate the manufacture, possession, import, export, transport and sale of Morphia drugs in Travancore.

[As amended.]

These Rules may be cited as the Travancore Morphia Rules.

I. Interpretation.

2. In these Rules unless there is something repugnant in the subject or context:—

(a) "The Regulation" means the Travancore Opium Regulation, IV of 1090.

(b) "Approved practitioner" means :—

i. Any person registered as a medical practitioner under the Medical Act, 1858, and any Act of British Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India or Travancore, or

ii. any person registered as a dentist under the Dentists' Act, 1878, and any Act of British Parliament amending the same, or

iii. any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of British Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India and approved by the Excise Commissioner

---

(a) List substituted by Govt. Notifn. R. Dis. No. 2033 dated 10th November 1923.—*T. G. G. dated 20-11-1923, Pt. IV, Excise Dept., P. 66.*

(b) *T. G. G., dated 22-8-1922, Pt. IV, Excise Dept., Pp. 336-339.*

for the purpose of these Rules, or of corresponding Rules for the time being in force in any part of British India or Travancore,

iv. any other person engaged in medical or veterinary practice and approved by the Excise Commissioner for the purpose of these Rules or of corresponding Rules for the time being in force in any part of British India or in Travancore

(c) "Excise Commissioner" means the Chief Executive Officer in charge of the Separate Revenue Department comprising Salt, Abkari, Tobacco, Opium, Land and Sea Customs.

(d) "Assistant Excise Commissioner" means the Officer in executive charge of a Separate Revenue Division subject to the control of the Excise Commissioner.

(e) "Licensed Chemist" means a person who has obtained a license under these Rules for the manufacture, possession and sale on prescription of morphia drugs.

(f) "Licensed dealer in Morphia" means a person who has obtained a license under these Rules for the manufacture, possession and sale otherwise than on prescription of morphia drugs.

(g) "Government" means the Government of His Highness the Maha Raja of Travancore.

(h) "Morphia drug" means any alkaloid of opium, or salt thereof, all derivatives, direct or indirect, of such alkaloids and their salts, the salts of such derivatives and preparations containing any of these ingredients and includes also raw opium which has been heated to 60° C. and contains not less than 10 per cent. of morphine, *i. e.*, C17 H19 NO3 whether or not it be powdered or granulated or mixed with indifferent materials.

(i) [" Prescription " means a prescription given by an approved practitioner for the supply of morphia drugs to a patient in accordance with these Rules.] (*a*)

II. Manufacture.

3. A licensed dealer in morphia or a licensed chemist may, subject to the conditions of his license, manufacture morphia drugs from opium or morphia drugs lawfully possessed by him.

4. A licensed chemist may, subject to the provisions of Rule 20, dispense morphia drugs on prescription.

(*a*) Substituted by Govt. Notifn. R. O. C. 1361/Devt. dated 11-12-1925.—
T. G. G., dated 5-1-1926, Pt. IV, Excise Dept., P. 78.

III. Possession.

5. Any person may possess morphia drugs in such quantity as has been at one time dispensed and sold for his use in accordance with the provisions of Rules 4 and 20, or of corresponding Rules for the time being in force in any part of British India.

6. [Any approved practitioner may possess, for his use in his practice but not for sale, morphia drugs containing not more than 120 grains of morphia or active principles of morphia in the aggregate; provided that the Excise Commissioner, may, by special order, authorise any such practitioner to possess as aforesaid any larger quantity. †

7. A person authorised in this behalf by the Excise Commissioner by an order made under Rule 22 may possess morphia drugs in such quantity and in such manner as may be specified in that order.

8. A licensed dealer in morphia or licensed chemist may possess morphia drugs in such quantity and in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these Rules for the import, export or transport of morphia drugs may possess morphia drugs in such quantity and in such manner as may be specified in his pass.

IV. Import, Export and Transport.

10. Any person may import, export and transport such quantity of morphia drugs as he may lawfully possess under Rule 5.

11. An approved practitioner may import, export and transport such quantity of morphia drugs as he may lawfully possess under Rule 6.

12. A person authorised in this behalf by the Excise Commissioner by an order made under Rule 22 may import morphia drugs in such quantity and in such manner as may be specified in that order on an indent countersigned by the Chief Medical Officer of the District.

13. A person to whom a pass has been granted under these Rules for the import of morphia drugs may import the drugs in such quantity and in such manner as may be specified in the pass granted to him.

14. When a pass has been granted, (a) under the Rules for the time being in force in any part of British India or (b) by the Resident or Political Agent in any [Indian] ‡ State or Foreign Territory, to transport morphia drugs from Travancore into that part of British India, [Indian] ‡ State or Foreign Territory

† Substituted by Govt. Notifn. R. O. C. 1361/Devt., dated 11-12-1925—
T. G. G., dated 5-1-1926, Pt. IV, Excise Dept., P. 78.

‡ Substituted by the above Notification.

and when the pass so granted has been countersigned by the Excise Commissioner as required by Rule 26 (1) of these Rules, a licensed dealer in morphia may, subject to the conditions of his license, export morphia drugs in such quantity, in such manner within such period and by such route as may be specified in the pass.

15. A person authorised in this behalf by the Excise Commissioner by a special order made under Rule 23 may export morphia drugs in such quantity and in such manner as may be specified in that order.

16. A person to whom a pass has been granted under these Rules for the transport of morphia drugs may transport the drugs in such quantity and in such manner as may be specified in the pass granted to him.

17. Every person importing, exporting or transporting morphia drugs shall comply with such general or special directions as may be given by the Excise Commissioner.

[18. Nothing in these Rules shall be deemed to permit :—

(1) The import of drugs from any foreign territory or any part of India outside Travancore, unless an import certificate has been previously obtained from the Dewan, and countersigned by the Agent to the Governor-General, Madras States, and unless the duty, if any, leviable at the place of importation has been paid and the pass has been endorsed by the Customs Officer, and in the case of imports from any part of British India unless the Rules in force in that part of British India relating to morphia drugs have also been complied with.

NOTE:—(*a*) An application for an import certificate should give—

(i) the name, address and business of the importer and the port of import ;

(ii) the exact description and quantity of the drugs to be imported ;

(iii) the name and address of the Firm in the exporting country from which the drug is required ; and

(iv) the purpose for which the drug is required.

(*b*) The application for the import certificate should be made to the Excise Commissioner who will after due enquiry report to the Government as to the *bona fides* of the application.

(2) The export of morphia drugs to any part of India outside Travancore or to any Foreign Territory unless a certificate is produced from the Government of the importing country approving of the import and the Dewan's consent to the export is obtained.

(3) The import, export or transport of morphia drugs by post or anchal.

V. Sale.

19. A licensed dealer in morphia may, subject to the conditions of his license, sell otherwise than on prescription,

(a) to another dealer in morphia or chemist licensed under these Rules,

(b) to an approved practitioner,

(c) to a person authorised under Rule 22 of these Rules,

morphia drugs not exceeding the quantity which such dealer, chemist, practitioner or person may lawfully possess, provided that (i) the drug shall not be delivered to any person not licensed or otherwise authorised to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed or authorised, unless such person produce an authority in writing signed by the person so licensed or authorised to receive the drug on his behalf and unless the licensed dealer is satisfied that the authority is genuine.

(2) Such drugs shall be sold only in packages or bottles plainly marked with the amount of the drugs in each package, or bottle and,

(3) any preparation, admixture, extract or other substance containing such drugs shall be sold only in packages or bottles plainly marked,

(a) in the case of a powder, solution or ointment, with the total amount thereof in each package or bottle and the percentage of the drug in the powder, solution or ointment,

(b) in the case of tablets or other articles with the amount of the drug in each article and the number of articles in the packages or bottle.] (a)

[19-A. Every bottle or package containing morphia drugs shall be marked with the percentage or proportion or amount of morphia or active principles of morphia contained in the drug.] (b)

[20. A licensed chemist may sell morphia drugs on prescription, subject to the following conditions, *viz.*,

(a) he shall sell morphia drugs in such quantity and for the use of such person only as may be specified in the prescription,

(b) if the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated and at what interval of time it is to be repeated and how many times it is to be repeated,

---

(a) Substituted by Govt. Notifn. R. O. C. 1361/Develpt. dated 11-12-1925.—
T. G. G. dated 5-1-1936, Pt. IV, Excise Dept., P. 78.

(b) Inserted by above Notification.

he shall sell morphia drugs once only on such prescription and shall enter on the prescription the date of sale and shall sign or seal the prescription and shall keep a copy of the prescription,

(c) if the prescription bears a superscription as aforesaid, he shall enter on the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that morphia drugs have already been sold on the prescription three times or such number of times less than three as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not sell morphia drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner;

(d) any other conditions that may be contained in his license.

He shall maintain a written record of every such sale in such manner as the Excise Commissioner may direct.] (a)

[VI. Conditions Relating to Prescriptions.

20-A. A prescription for the supply of morphia drugs must comply with the following conditions :—

(1) The prescription shall be given only on the prescribed official form annexed, copies of which can be purchased from any of the Excise Division Offices.

(2) The prescription must be in writing, must be dated and signed by the approved practitioner with his full name and address and must specify the name and address of the person to whom the prescription is given and the total amount of the drug to be supplied on the prescription.

(3) The prescription shall not be given for the use of the prescriber himself.

(4) A prescription shall only be given by a registered dentist for the purpose of dental treatment and shall be marked 'for local dental treatment only.'

(5) A prescription shall only be given by a registered Veterinary Surgeon for the purpose of treatment of animals and shall be marked 'for animal treatment only.'

(6) An approved practitioner shall not give any prescription for the supply of any of the drugs otherwise than in accordance with the foregoing conditions.

(a) Substituted by Government Notification R. O. C. 1361/Develpt., dated 11-12-1925.

VII. Accounts.

20-B. Medical Practitioners, registered Dentists and registered Veterinary Surgeons shall maintain accounts in writing in the appended Form in respect of morphia drugs dispensed by them. Licensed dealers in morphia and licensed chemists shall maintain a written record of every sale of the drugs in such manner as the Excise Commissioner may direct.] (a)

VIII. Approval, Authorisation, Licenses and Passes.

21. The Excise Commissioner may approve for the purposes of Rule 2 (b) of these Rules any person engaged in medical or veterinary practice.

22. [The Excise Commissioner may authorise any approved practitioner in managing or supervising charge of a Hospital or Dispensary to possess, import and transport morphia drugs in such quantity and in such manner as may be specified by him in that order.

Provided that no such special order can be issued by the Excise Commissioner for the import of morphia drugs without the previous sanction of the Dewan

23. The Excise Commissioner may, in case where the requirements under Rule 18, Clause (2), are complied with, authorise any person to export morphia drugs.] (b)

24. (1) The Excise Commissioner or any Officer empowered in this behalf by the Government may grant to any person a morphia dealer's license permitting him to manufacture, possess and, subject to the provisions of Rule 19, to sell morphia drugs.

[(2) The Excise Commissioner or any Officer empowered by Government in this behalf may grant to any person, a chemist's license, permitting him to manufacture, possess and subject to the provisions of Rule 20, to sell morphia drugs; provided that such license shall not authorise such chemist to possess morphia drugs containing more than 4 oz. of morphia or active principles of morphia in the aggregate.] (b)

25. The Excise Commissioner or such other Officer as the Government may empower in this behalf, may grant to any licensed dealer in morphia or licensed chemist a pass for the import of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

26. When a pass has been granted (a) under the Rules for the time being in force in any part of India outside Travancore, or (b) by the Resident or Political Agent in any [Indian] (a) State or foreign territory, to any person to transport morphia drugs from Travancore into such part, State or territory, such person shall present such pass to the Excise Commissioner who shall enter therein the period

(a) Inserted by Govt. Notifn. R. O. C. 1361/Devpt, dated 11-12-1925.,—*T. G. G., dated 5-1-1926, Pt. IV, Excise Dept., P. 79.*

(b) Inserted by above Notification.

for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages and shall countersign the pass.

(2) When a pass has been granted to any person under these Rules for the import of morphia drugs from foreign territories, such person shall present such pass to the Customs Officer at the place of import, who shall enter therein the particulars specified in Sub-rule (1) and shall countersign the pass.

27. The Excise Commissioner or such other Officer as the Government may empower in this behalf may grant to any licensed dealer in morphia or licensed chemist a pass for the transport of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

28. Subject to the provisions of the Opium Regulation, IV of 1090, and of these Rules, every license or pass under these Rules shall be in such form and shall contain such particulars and shall be granted on payment of such fees for such period, and subject to such conditions as the Government may direct.

29. (1) Subject to any directions that the Government may give in this behalf, the Officer who has granted a license to or has by order approved or authorised any person under these Rules may cancel or suspend such license or order,

(i) if such person has—

(*a*) failed to pay any duty or fee payable by him,

(*b*) by himself or by any servant or person acting on his behalf committed any breach of the conditions of such license or order of these Rules,

(*c*) been convicted of any offence under the Opium Regulation or under the law for the time being in force relating to Excise revenue or of any criminal offence,

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such Officer;

(iii) in any other case, after giving to such person fifteen days' notice;

and shall cancel such license or order within 15 days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the Assistant Excise Commissioner of the Division all morphia drugs in his possession.

IX. Disposal of Morphia drugs and Confiscated Articles.

30. The Assistant Excise Commissioner shall cause all morphia drugs confiscated under the Regulation or delivered to him under Rule 29 to be examined

by the Chemical Examiner to Government or by such other Officer as the Government may direct. If any such morphia drugs are certified by such Officer to be fit for use, the Assistant Excise Commissioner may sell them to any dealer in morphia or chemist licensed under these Rules or under any Rules for the time being in force, or to any person authorised by an order under Rule 22 or any corresponding Rules in force as aforesaid. The Assistant Excise Commissioner may require any licensed dealer in morphia or chemist to purchase at such price as the Assistant Excise Commissioner may direct any quantity of such morphia drugs not exceeding such quantity as the Assistant Excise Commissioner may determine to be ordinarily saleable by him in two months. If any such morphia drugs are certified as aforesaid to be unfit for use, the Assistant Excise Commissioner shall cause them to be destroyed.

31. The Assistant Excise Commissioner shall dispose of all other things confiscated in connection with any offence relating to morphia drugs in such manner as he may think fit.

X. Issue of Subsidiary Order.

32. Subject to the provisions of the Opium Regulation and of these Rules, the Excise Commissioner may, from time to time, give such directions as he may think fit for the purpose of carrying out the provisions of the Rules.

XI. Powers and Duties of Officers, Appeals, and Revisions and Rewards.

33. The provisions contained in the Rules relating to opium issued by the Government under Sections 6 and 35 of the Opium Regulation, shall, in so far as they refer to the powers and duties of Officers, appeals and revisions and rewards apply to the case of morphia drugs also.

XII. Exemptions.

34. The preparations specified in the annexed Schedule may be transported, imported, exported, possessed and sold without restriction provided that their import by sea shall be permitted only by means other than that of the Post.

Schedule.

1. Anodyne Pine Expectorant.
2. Apocodenae Hydrochloridum.
3. Syrupus Apomorphinae.
4. Linctus Apomorphinae c Codeina.
5. Capsules Codeinae c Ext. Cannabis Indica.
6. Syrupus Codeinae Phosphatis.
7. Linctus Codeinae.
8. Haustus Apomorphini Co.

9. Mistura Apomorphinae et Terebeni.
10. Powell's Balsam of Aniseed.
11. Camphorodyne. †
12. Chlorodyne. †
13. Apomorphinae Hydrochloridum tablets containing 1/32 gr. of morphia acetate (Parke Davis & Co.)
14. Codeina.
15. Mono-Ethyl-Morphinae Hydrochloridum-Dionin.] (a)
[16. Syrup Cocillana Compound.
17. Chamberlain's Colic and Diarrhoea Remedy.
18. Preparations and Salts of Codeina, subject to the condition that they do not contain more than one-fifth per cent, of morphine.] (b)

[*Official Form of Prescription.*

(To be used whenever morphia drugs are prescribed.)

1. Name and address of the person to whom the prescription is issued.
2. Description of morphia drugs to be supplied.
3. Amount of morphia drug to be supplied.
4. If to be repeated how many times and at what interval of time.

Address.

Date. Approved Practitioner.
(Full name and signature.)

Form of accounts to be maintained by Medical Practitioners, registered Dentists and registered Veterinary Surgeons for morphia drugs dispensed by them.

Purchased.				Dispensed.			
Date.	Name and address of the person from whom purchased.	Description of morphia drugs.	Quantity.	Name and address of the person to whom dispensed.	Authority of the person to be in possession of morphia drugs.	Description of the drugs dispensed.	Quantity.
1	2	3	4	5	6	7	8] (c)

† Provided that they do contain more than two grains of morphine per fluid ounce.

(a) List substituted by Govt. Notifn. R. Dis. 2033 dated 10th November 1923 — *T. G. G., dated 20-11-1923, Pt. IV., Excise Dept. P. 66.*

(b) Added by Govt. Notifn. No. R. Dis. 388 dated 3rd March 1926.—*T. G. G., dated 9-3-1926, Pt. IV, Excise Dept. P. 163.*

(c) Appended to Govt. Notifn. R. O. C. 1361/ Devpt. dated 11-12-1925.—*T. G. G., dated 5-1-1926, Pt. IV, Excise Dept, P. 79.*

(4)

Rules *re* Storage and Issue of Opium and Ganja..

(Govt Notifn. D. Dis No. 330 dated 16th February 1926.) (a)

In exercise of the powers conferred by Sections 6 and 9 of the Opium Regulation, IV of 1090, and Sections 5 and 26 of the Abkari Regulation, IV of 1073 and with the sanction of Her Highness the Maha Rani Regent, the following Rules are passed for regulating the storage and issue of opium and ganja in the Central Depot, Excise Commissioner's Office.

(2) Rules III to XIV of the Rules applicable to opium and ganja dated 15th August 1907, published on pages 939 to 945 of the Government Gazette dated 20th August 1907/4th Chingom 1083, as amended by Notifications Nos. S. R. 5493, 250, 2078 and 196 dated 6th August 1909, 25th January 1915, 2nd August 1917 and 28th January 1918, respectively, are hereby deleted. The Rules XV to XXXVIII are renumbered III to XXVI.

RULES TO REGULATE THE STORAGE IN AND ISSUE OF OPIUM AND GANJA FROM THE EXCISE COMMISSIONER'S OFFICE.

1. Opium and ganja imported into Travancore from Madras or other places on behalf of Government shall be stored in the first instance in a separate strong-room in the Excise Commissioner's Office at Trivandrum. From this Stores, opium and ganja will be issued under seal to the several Division Offices or such other centres as may from time to time be fixed by Government.

Note :—Issues will ordinarily be made from stock only in the order of receipt of the article.

2. The Assistant Excise Commissioner of the Excise Commissioner's Office shall be in charge of the Opium and Ganja Stores of the Excise Commissioner's Office, assisted by a Store-keeper who shall be required to deposit such security as the Excise Commissioner may deem sufficient.

3. The Opium and Ganja Stores of the Excise Commissioner's Office shall be secured with two locks, the key of one lock being with the Assistant Excise Commissioner and the other with the Store-keeper. The locks shall always be covered with cloth and sealed with the seals of the Assistant Excise Commissioner and the Store-keeper.

4. The store room shall not be opened or shut except in the presence of both the above said Officers. When the room is shut, both the Officers shall be present till the locks have been sealed as aforesaid. On no pretext whatever shall the Assistant Excise Commissioner entrust his key to the Store-keeper for either opening or shutting the store room or for any other purpose.

(a) *T. G. G., dated 23-2-1926, Pt, IV, Excise Dept. Pp., 120–121.*

5. When a consignment of opium or ganja reaches the Commissioner's Office on or before 2 P. M. on any day, the consignment shall immediately be verified and taken into the Stores. Both the Assistant Excise Commissioner and the Store-keeper shall be present during the whole time occupied in the verification and the storing of the consignment. All cases in which the Assistant Excise Commissioner has reason to suspect that any consignment has been tampered with during transit, shall be immediately reported by him to the Excise Commissioner who will take the necessary action.

6. The verification in the case of opium shall be done by the counting of the cakes of opium in all the boxes. On no account shall the contents of any box be left unverified. In the case of ganja, the contents of all the baskets should be weighed and a tally of each weighment entered in a book called the weighment book to be maintained for the purpose. The weighment book will show in respect of each weighment, the tare of the basket, the gross weight and the net weight. The net weight so ascertained shall be marked on the basket with tar or paint and the baskets shall also be numbered in the order of their weighment. When all the baskets have been weighed, numbered and marked as aforesaid, the total gross and net weights shall be entered in the weighment book and the book shall be signed by both the Assistant Excise Commissioner and the Store-keeper. Similarly the number of cakes of opium counted should be entered in the weighment book and signed by both the Officers. The packages of both opium and ganja will then be put in to the store room and locked.

7. The Stock Register of opium and ganja will then be written up from the figures shown in the weighment book and initialled both by the Assistant Excise Commissioner and the Store keeper.

8. Any excess found on verification should be immediately reported to the Excise Commissioner for his information. On no account should any excess be left unaccounted for in the accounts. The full net weight of each basket should, without any reservation whatever, be entered in the weighment book.

9. When a consignment reaches the Office after 2 P. M., the Assistant Excise Commissioner shall personally see that the packages are put into a spare room of the office and carefully locked, the key of the lock being kept with him till the room is opened for verification of the consignment, which should on no account be later than 11-30 A. M., the next day. He shall also personally depute an adequate number of peons, not less than two at a time, to mount guard over the room. The peons shall not be on duty for this purpose for over 6 hours at a stretch. The names and numbers of the peons so detailed for duty shall be specially entered in the guard book of the Office and signed by the peons. On no account shall the packages of opium and ganja be kept in the verandah of the Office or in an unlocked room. The Officer deputed for bringing the consignment of opium and

ganja from the Madras Store-houses shall, during the period the consignment awaits verification, either by himself or by his peon maintain a watch over the room in which the consignment is locked up, till it is opened for verification the next day. The Officer in charge of the consignment shall be himself present during the verification of the consignment and shall also sign the weighment book.

10. In case any deficiency is found on verification, the consignment should be reweighed or recounted at the request of the Officer in charge of the consignment and if the deficiency is still found to exist, the written explanation of the Officer should immediately be obtained and submitted to the Excise Commissioner for necessary action.

11. On the first office day of every month, the stock in the store room should be verified, both the Assistant Excise Commissioner and the Store-keeper being present during the whole time of such verification. During this monthly verification, the contents of each full package of ganja or of opium need not be ascertained. It is sufficient if the full packages are counted and checked with the entries in the weighment book and those alone which are partially full are weighed. The weighment and entry in the weighment book as well as the striking of the totals should be done in the manner prescribed in Clause 6 *supra*.

NOTE.—The verification prescribed in Rule 11 shall be preceded by a detailed checking of the stock accounts.

12. At the beginning of every quarter, however, the whole stock shall be verified in the manner prescribed in Clause 6 *supra* and the results entered in the weighment book. Any deficiency or excess should be entered against each basket in the weighment b ok in a separate column opened for the purpose and the total struck at the close of the verification.

13. The Excise Commissioner shall verify the stock in the Stores not less than once every quarter and such verification shall be done in the presence of the Assistant Excise Commissioner and the Store-keeper in the same manner as prescribed in Clause 6 *supra* and the weighment book shall be signed by the Excise Commissioner and by the other two Officers present.

14. Opium and Ganja shall be issued under seal from the Opium and Ganja Stores of the Excise Commissioner's Office to the several Excise Division Offices or such other centres as may from time to time be fixed by Government.

15. Assistant Excise Commissioners in charge of Divisions or other Officers requiring a supply of opium and ganja shall indent on the Opium and Ganja Stores of the Excise Commissioner's Office in the prescribed form for such quantity thereof as may be necessary, provided that there shall always remain with such Officer a quantity of each article not less than that ordinarily required for three months' issue. No issues of opium and ganja other than as prescribed above, shall be made from the Opium and Ganja Stores of the Excise Commissioner's Office.

16. No issue of opium or ganja shall be made except in the presence of both the Assistant Excise Commissioner and the Store-keeper. On no pretext whatever should the Store-keeper be allowed to attend to the issue by himself even for a short period. The contents of each basket of ganja shall be weighed and any difference between the weight of each basket at the time of issue and at the last preceding verification should be entered in a column specially opened for the purpose in the weighment book. The number of cakes of opium in each box should be separately counted and delivered. The signature of the Officer who has taken charge of the consignment shall be obtained in the weighment book. The opium or ganja issued shall before its removal from the Depot be carefully packed and each package shall be sealed with the seal of the Assistant Excise Commissioner.

17. After the issue has been made the Stock Register shall be written up from the weighment book and initialled both by the Assistant Excise Commissioner and the Store-keeper.

18. When issuing opium or ganja, the Store-keeper shall grant a pass in the prescribed form for the transport of the same, entering therein the net and gross weight of each package, the facsimilie of the seal on the packages and the period of currency of the pass, allowing reasonable but not excessive time for the consignment to reach its destination. He shall at once despatch by Anchal to the Assistant Excise Commissioner of the Division concerned a duplicate of the pass.

19. The Officer receiving the supply indented for shall open the package and verify the contents and send to the Excise Commissioner an acknowledgment with a certificate of verification in the prescribed form.

20. Every consignment of opium or ganja shall be despatched from the Opium and Ganja Stores of the Excise Commissioner's Office in the custody of a Petty Officer or other Officer who shall be responsible for the safety of the packages or their packing in transit.

21. No opium or ganja shall be received into or issued from the Opium and Ganja Stores of the Excise Commissioner's Office except between sunrise and sunset.

22. Any deficiency found on verification should be immediately reported to the Excise Commissioner who has the power to write off deficiencies due to dryage or wastage not exceeding ·5 per cent. in the case of ganja ·25 per cent. in the case of opium. Any larger deficiencies will be enquired into by the Excise Commissioner and reported to Government for orders.

---

(5)

Interstatal Rules re Opium.

(No. S. R. 2792, dated 5th December 1912.) (a)

Rules governing the import, transport and export of opium, and intoxicating drugs made from opium, other than those used for smoking, in transit through the Travancore State from one portion to another of British territory, passed under Section 5 of Regulation VI of 1063.

1. The transport from one portion to another of British territory, through Travancore territory, of intoxicating drugs prepared from opium, and used for smoking, is absolutely prohibited.

2. No opium or intoxicating drugs made from opium other than those used for smoking, shall be transported through Travancore territory except under, and in accordance with, a permit issued in accordance with the following Rules :—

3. Except in the case of permits issued to persons duly licensed to vend in Travancore, or in British or French territory, no permit shall cover the transport of more than one tola of opium, or intoxicating drugs made from opium other than those used for smoking.

4. The permits recognised under these Rules shall be in printed forms and in duplicate. Each permit must bear a consecutive number, and must be sealed with the private seal of the Officer issuing the permit in addition to his official seal.

5. The period of currency of a permit must be regulated according to the distance the drug is transported, one day being allowed for every 15 miles by road, 20 miles by boat or 70 miles by rail, in addition to one day for despatch and one day for delivery in the case of consignments sent by rail.

6. Every consignment transported through Travancore territory, under these Rules, shall be accompanied by its permit which must show the name of the transporter, the quantity of opium or intoxicating drugs covered by it, the route of transport, the period of currency, and the Officer before whom it should be taken for verification.

7. Where Customs stations are established between Travancore and British territory, the route to be entered in a permit must always include at least one such Customs station, the Officer in charge of which, when the consignment passes through, will note on the reverse of the permit the condition of the packages and seals.

8. Whenever a permit is issued, the duplicate thereof, which should bear the impression of the same seals as have been placed on the original permit and

(a) *T. G. G., dated 10-12-1912, Pt. I, Pp. 2327—2328.*

on the consignment, should be fowarded by the Officer issuing the permit to the Officer appointed to verify the consignment.

9. Every package to be transported through Travancore territory, under these Rules, shall be sealed, and the seals used shall be the same as those impressed on the permit (see Rule 4).

10. Permits for transport under these Rules, shall not be recognised unless they are issued by Officers specially appointed in that behalf, by name or designation, by the Deputy Commissioner of the Salt, Abkari and Customs Department of the Division in which the Officers are to exercise their functions.

11. Every consignment will be verified on arrival at its destination by an Officer appointed for the purpose by the Deputy Commissioner of the Salt, Abkari and Customs Department of the Division to which the consignment is transported.

12. Every Officer appointed or authorised to issue permits under Rule 10 *supra*, must be kept informed of the name and designation of all Officers authorised under Rule 11 to verify consignments.

13. The names or designations of all Officers appointed to issue permits, and to verify consignments, will be communicated to the Officer in charge of the Circle which the British territory adjoins.

14. The Officer issuing permits under Rule 10 *supra*, should furnish to the Officer in charge of the Circle through which the consignments are to be transported, a monthly list of permits issued, in a form showing the names of the transporters, the numbers of the permits the dates on which they were issued, the route by which the consignments were required to be transported, and the quantity covered by the permits.

15. On the arrival of the consignment at its destination, it shall be verified by the Officer appointed for the purpose under Rule II *supra*. He will examine the seals and weigh each package before opening it. He will then open each package and satisfy himself that the contents agree both as to nature and weight with the entries in the permit, and will enter the results of his verification on the reverse of the original and the duplicate permits, will return the original permit to the transporter, and will forward the duplicate to the Officer in charge of the Circle across which the consignment has been transported, for transmission to the Officer who issued it.

16. Any Land Revenue Officer not inferior in rank to a Tahsildar, any Officer of Police or Excise not inferior in grade to an Inspector, may inspect any consignment in transit in Travancore territory, and, when he does so, shall note on the reverse of the permit the condition of the packages and seals.

17. Any person found transporting opium or intoxicating drugs in contravention of these Rules will be dealt with in accordance with Section 6 of the Opium Regulation, VI of 1063.

18. No person who is found to have committed any breach of these Rules, shall be allowed to transport drugs through Travancore territory under a permit issued in this behalf, and the name of any person detected in the commission of any such breach, shall forthwith be communicated by the Officer detecting the offence to the Officer in charge of the Circle concerned, who will arrange with the Deputy Commissioner of the Salt, Abkari and Customs Department of the Division from which the offender brought his opium, or intoxicating drugs, as the case may be, for the intimation of the offender's name to all persons authorised to grant permits. If any such person be subsequently found transporting opium or intoxicating drugs, even under a permit, such consignment shall be liable to confiscation.

II. GOVERNMENT NOTIFICATIONS.

(1)

(Govt. Notifn. No. S. R. 2164, dated 26th September 1913.)

Under Clauses 10 and 11 of the Rules dated the 5th December 1912, governing the import, transport and export of opium and intoxicating drugs made from opium, other than those used for smoking, in transit through Travancore State from one portion to another of British territory under Section 5 of Regulation VI of 1063, it is hereby notified that the following Officers in the Madras Presidency have been authorised (1) to issue permits for the transport of opium and allied drugs from one portion of British territory to another through Travancore territory and (2) for verifying such consignments.

Officers empowered to issue permits.

Collectors of Districts and Tahsildars and Deputy Tahsildars in independent charge or, in the absence of the latter Officers from head quarters, Taluk Head Accountants and Deputy Tahsildars' Head Gumastas respectively.

Officers empowered to verify consignments.

Tahsildars or Deputy Tahsildars in independent charge and Sub-Inspectors of Salt, Abkari and Customs Department.—*T. G. G., dated 7-10-1913, Pt. I, P. 1697.*

(2)

(R. Dis. No. 242 dated 2nd February 1923.)

In exercise of the powers vested in the Dewan by Section 10 of the Opium Regulation, IV of 1090, it is hereby notified that the Sub-Inspectors of the Excise

Department are authorised to make searches and to exercise such other powers as are provided for in the said Section.—

T. G. G., dated 6-2-1923, Pt. IV, Excise Dept, P. 447.

---

(3)

(R. Dis. 1903/Developt. dated 7th October 1925.)

In exercise of the powers vested in Government under Rules 25 and 28 of the Travancore Morphia Rules dated 16th August 1922, the Government of Her Highness the Maha Rani Regent direct—

(1) that Assistant Excise Commissioners may grant the passes for the import of morphia drugs referred to in Rule 25 ;

(2) that a fee of Re. (1) one shall be levied on every pass issued for the import of morphia drugs ;

(3) that the pass shall be in the Form annexed.

FORM OF PERMIT.

	ORIGINAL.	DUPLICATE.
No.	No.	No.
Permit issued under Regulation IV of 1090 for the import of morphia drugs into Travancore.	Permit issued under Regulation IV of 1090 for the import of morphia drugs into Travancore.	Permit issued under Regulation IV of 1090 for the import of morphia drugs into Travancore.
Date.	———	———
Name of applicant.	———	———
Quantity and description of drugs.	permitted to import into Travancore *via.*———	permitted to import into Travancore *via.*———
Customs house through which the drugs are to be imported.	Chowkey, the morphia drugs specified below.	Chowkey, the morphia drugs specified below.
	Name of drug. Quantity.	Name of drug. Quantity
Period of currency.	Period of currency, 60 days commencing from this day.	Period of currency, 60 days commencing from this day.
Place from which the drugs are to be imported.	This permit has to be produced before the Customs Officials.	This permit has to be produced before the Customs-Officials.
Office, 19	Office, 19	Office, 19
Signature.	Signature.	Signature.
Designation.	Designation.	Designation.

T. G. G., dated 29-10-1925, Pt. IV, Excise Dept. Pp. 27-28

PROCLAMATION

By His Highness the Maha Raja of Travancore, issued under date the 16th Meenam 1090, corresponding with the 29th March 1915.

Preamble.

Whereas an emergency has arisen which makes it necessary to prohibit financial and other dealings with any State at war with His Majesty the King-Emperor of India and to provide for the punishment of persons contravening the provisions of any Proclamation or Order in Council of His Majesty, the King-Emperor of India, for the time being in force, relating to trade, commercial intercourse or other dealings with His Majesty's enemies;

We are pleased to command as follows:—

Short title.

1. This Proclamation shall be called "The Commercial Intercourse with Enemies Proclamation, 1090."

Prohibition against financial and other dealings with hostile State

2. (1) During the continuance of a state of war between His Majesty and any State, it shall not be lawful to contribute to, or participate in, or assist in the floating of, any loan raised by or on behalf of the Government of such State, or to advance money to, or enter into any contract or dealings with, or otherwise to aid, abet or assist the Government of such State.

(2) Any person contravening the provisions of this Section shall be punishable as if he had committed an offence under Section 112 of the Penal Code.

Penalty for trading in contravention of His Majesty's direction.

3. During the continuance of a state of war between His Majesty and any State, any person who contravenes any of the provisions of any Proclamation or Order in Council of His Majesty, for the time being in force, relating to trade, commercial intercourse or other dealings with any subject of such State, or any person residing, carrying on business or being in the territories, colonies or dependencies of such State, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Provision relating to companies and associations.

4. Where a company, association or body of individuals, whether incorporated or not, has done any act which is an offence under this Proclamation, every member or officer of such company, association or body, who is knowingly a party to such act, shall be deemed to have committed such offence.

The Proclamation was published in the Gazette dated 6th April 1915, Pt. I, Pp. 677-678.

5. A certificate signed by the Chief Secretary to Our Government, or by any Officer authorised in this behalf by Our Government, certifying to the fact that on the date specified in such certificate any State was or was not at war with His Majesty shall be conclusive evidence of such fact.

Certificate of Chief Secretary to Government to be conclusive evidence of certain facts.

6. Nothing in this Proclamation shall be deemed to prohibit anything done by command of, or under license granted by, or under the authority of, His Majesty or the Governor-General of India or Our Government.

Saving.

7. (1) No Court shall proceed to the trial of any offence under this Proclamation unless upon complaint made by order of, or under the authority of, Our Government or some Officer empowered by Our Government in this behalf.

Trial of offences.

(2) No Court inferior to a Court of Session shall try any offence punishable under Section 2, and no Court inferior to that of a District Magistrate or Magistrate of the First Class shall try any offence punishable under Section 3.

REGULATION VI OF 1090.

A Regulation to amend the Irrigation Regulation, III of 1072,

Passed by His Highness the Maha Raja of Travancore, on the 3rd August 1915, corresponding with the 18th Karkatakom 1090, under Section 13 of Regulation V 1073.

Whereas it is found expedient to amend the Irrigation Regulation, III of 1072: It is hereby enacted as follows :—

1. *Section 3.—Omit* 'irrigation' *in* the second line.
2. Insert the following as Section 11-A :—

"If, in the case of any accident being apprehended or happening to any petty or minor irrigation work, any work in the nature of an urgent repair is needed, failure to carry out or delay in carrying out which is likely to cause serious damage, the Division Peishkar, or any other Officer duly authorised in this behalf, may, notwithstanding anything contained in Sections 6 and 8 to 11, order the execution of such work at the cost of Government."

3. *Section 16.—Insert* '11-A' *between* '11' *and* '12' in the first line,

4. *Section 23.—Insert between* "the Division Peishkar" *and* "on" in line 5, the words "or any Officer specially authorised in this behalf," and *add after* "the Division Peishkar" in line 14, the words "or such Officer as aforesaid."

REGULATION VII OF 1090.

A Regulation to amend the Cattle Trespass Regulation, IV 1086,

Passed by His Highness the Maha Raja of Travancore, on the 3rd August 1915, corresponding with the 18th Karkatakom 1090, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the law relating to trespass by cattle; It is hereby enacted as follows:—

1. Substitute the following for paragraph 3 of Section 17 :—

"The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit, and, if no claim thereto be preferred within 3 months and established, shall credit the same to the 'Cattle Pound Fund' of the District."

REGULATION VIII OF 1090.

THE INSOLVENCY REGULATION.

CONTENTS.

Preamble.
Sections.

1. Short title, extent and commencement.
2. Definitions.
   (a) "Available act of insolvency."
   (b) "Creditor."
   (c) "Prescribed."
   (d) "Property."
   (e) "Secured creditor."
   (f) "The Court."
3. Insolvency jurisdiction.

REGULATION VIII OF 1090.

Sections.

4. Acts of insolvency.
5. Petition and adjudication.
6. Presentation and admission of petition.
7. Withdrawal of petitions.
8. Consolidation of petitions.
9. Power to change carriage of proceedings.
10. Continuance of proceedings on death of debtor.
11. Contents of petition.
12. Procedure on admission of petition.
13. Interim proceedings against debtor.
14. Procedure at hearing.
15. Dismissal of petition.
16. Order of adjudication.
17. Power to cancel one of concurrent orders of adjudication.
18. Appointment of receiver.
19. Power to appoint Official Receivers.
20. Duties and powers of receiver.
21. Appeal to Court against receiver.
22. Powers of Court if no receiver appointed.
23. Schedule of creditors.
24. Mode of proof.
25. Disallowance and reduction of entries in schedule.
26 Composition and schemes of arrangement.
27. Debts provable under this Regulation.
28. Debts payable at a future time.
29. Mutual dealings and set-off.
30. Secured creditors.
31. Interest.
32. Priority of debts.
33. Restriction of rights of creditor under execution.
34. Duties of Court executing decree as to property taken in execution.
35. Avoidance of voluntary transfer.
36. Avoidance of preference in certain cases.
37. Protection of *bona fide* transactions.
38. Dividends.
39. Management by and allowance toi nsolvent.
40. Right of insolvent to surplus.
41. Power to annual adjudication of insolvency.
42. Duties of debtors
43. Discharge.
44. Effect of order of discharge.
45. Review and appeal.

Sections.
46. General powers of Courts.
47. Summary administration.
48. Costs.
49. Courts to be auxiliary to each other.
50. Power to make Rules.
51. Delegation of powers to Official Receivers.
52. Repeals.
The Schedule.—Enactment repealed.

A Regulation to make better provision relating to Insolvency in Travancore

Passed by His Highness the Maha Raja of Travancore, on the 7th August 1915 corresponding with the 22nd Karkatakom 1090, under Section 13 of Regulation V of 1073.

able. Whereas it is expedient to make better provision relating to Insolvency, as administered by the Civil Courts in Travancore: It is hereby enacted as follows:—

Regn. VIII of 1090.—I. *Objects and Reasons.*—(1) "The Law of Insolvency as now administered in Travancore is contained in Chapter XX of the Civil Procedure Code. The law is very unsatisfactory and does not afford adequate relief either to the creditor or to the insolvent. When a person becomes an insolvent, the whole of his property may be sold by a single decree-holder, though there may be many creditors of the insolvent who have refrained from filing a suit for fear of throwing good money after bad. The creditors cannot get a distribution of the insolvent's assets unless they sue and get a decree. The result is that the creditors are put to unnecessary loss and inconvenience. The insolvent, on the other hand, does not get a complete discharge, even though he be honest and the insolvency might have been brought about under circumstances over which he had no control. Under Section 344, he gets immunity from arrest only with reference to the particular decree in the execution of which he is declared an insolvent. The existing law being unsatisfactory and inadequate, representations were made in the Sri Mulam Popular Assembly for an Insolvency Regulation. The necessity for legislation has thus arisen and the proposed Bill is therefore drafted on the lines of the Provincial Insolvency Act, III of 1907."— *S. O & R.*

(II) In introducing the Insolvency Bill, the Official Member in charge said:—

"The Law of Insolvency, if there is any, in Travancore, is contained in Chapter XX of the Civil Procedure Code. Under the existing law, if a judgment-debtor is arrested or imprisoned in execution of a decree for money, he may apply to a Civil Court for his discharge. Among other particulars he has to give a list of his properties, expressing his willingness, at the same time, to place them at the disposal of the Court. Notice is then given to the decree-holder, and, if after hearing him, the Court is satisfied about the truth of the application, it passes an order of discharge. A defendant once discharged cannot be imprisoned on account of the same decree, but his property is liable, under the ordinary rules, to attachment and sale. Thus then, the insolvent

proceedings is one between the judgment-debtor and the decree-holder. The other creditors are not benefited, nor does the judgment-debtor get immunity from arrest or imprisonment except with reference to the particular decree which formed the subject-matter of the proceeding. Though our Civil Procedure Code is drafted mainly on the lines of the British Indian Act, XIV of 1882, all the provisions of Chapter XX relating to insolvent judgment-debtors in the British Indian Act have not been adopted. Under the British Indian Code, a judgment-debtor whose property is attached may also apply to be declared an insolvent. This right is also extended to any decree-holder for money against the same judgment debtor. Again, when once an application is put in, all the creditors of the insolvent are allowed to appear and substantiate their claims. A schedule of the debts proved is prepared by the Court and the creditors who have proved their claims are entitled to a rateable distribution of the assets of the insolvents and the insolvent himself is free from liability to arrest or imprisonment on account of such debts. Though the provisions contained in the British Indian Civil Procedure Code are more elaborate than ours, they were found very defective and not suitable to modern conditions. The law does not afford adequate relief either to the creditor or to the insolvent. The creditors who have not obtained decrees cannot apply for insolvency proceedings being taken. The debtor does not get immunity from arrest except with reference to the schedule debts. The insolvent does not get a complete discharge even though he acted honestly throughout and the insolvency was brought about by circumstances beyond his control. To remove these defects, the Provincial Insolvency Act, III of 1907, was passed. The provisions of our Civil Procedure Code do not give adequate relief either to the debtor or to the creditor, and it may be said that we have practically no law for insolvency in Travancore. Of late, failures of many hundi firms have taken place with the result that a large number of creditors of the insolvents have been put to unnecessary expense and delay. About a couple of years ago, one of the creditors of an insolvent firm moved the District Court of Trivandrum to start insolvency proceedings. Though there is no provision in the Civil Procedure Code, the District Judge held that he had inherent jurisdiction in insolvency matters in the absence of any legislative enactment to the contrary, and on a reference to the High Court, it was ruled that Civil Courts of this State had no jurisdiction to entertain and dispose of petitions in insolvency matters otherwise than as provided for in Chapter XX of the Code of Civil Procedure. The learned Chief Justice has, in his lucid and exhaustive Judgment, pointed out the difference between the British Indian and Travancore law and the defects in the existing Civil Procedure Code. Subsequent to this decision, representation was made at the last Assembly that the absence of an Insovency Law was very much felt. It will thus be seen that legislation on the subject of insolvency is very urgently needed, and a Bill has therefore been drafted on the lines of the Provincial Insolvency Act, III of 1907 .... *L. C. P., dated 6-12-1913.*

II. The Bill was published in the Gazette dated 18-11-1913, and was introduced in the Council and referred to a Select Committee at the meeting held on 6-12-1913 (*T. G. G., dated 16-12-1913*). The Committee's Report was published on 5-5-1914; and was presented to, and considered by, the Council on 10-6-1914 (*T. G. G., dated 23-6-1914*). The Bill was finally read and passed on 21-6-1915 (*T. G. G., dated 6-7-1915*). The Regulation was published in the Gazette dated 10-8-1915.

III. *British Indian Law.*—(1) The Provincial Insolvency Act, III of 1907, on which the Travancore Regulation was based has been superseded by Act V of 1920. The former Act, observed the Hon'ble Sir George Lowndes, "replaced certain rather crude provisions contained in the old Civil Procedure Code of 1882, for dealing with insolvents outside the Presidency Towns, was

admittedly a measure rather of an experimental nature, and in the twelve years in which it had been in operation was not found to be altogether successful. In 1909, the Presidency Towns Insolvency Act was passed, which was probably a better considered measure, and in many ways formed the model which we sought to follow in amending the Provincial Act. * But the chief defect in the Provincial Act was always found to be that it lent itself peculiarly to the devices of dishonest debtors, and it was thought necessary to make it much more stringent in dealing with debtors who possibly at all events might be dishonest. * *." —*Proceedings of the Indian Legislative Council dated 24-2-1920.*

Act V of 1920 modified many a provision of Act III of 1907 and also considerably added to them. The Sections of the latter Act with all the amendments and additions were consolidated, re-arranged and grouped under headings and Parts. To give an idea of the structure of the consolidating Act of 1920, a Table is sub-joined showing the arrangement and grouping of the Sections therein. To facilitate reference and comparison, another Table is appended which gives the Sections both of Act III of 1907 and Act V of 1920, corresponding to the Sections of Regulation VIII of 1090. The provisions newly embodied in Act V of 1920 are also indicated in the Table. Wherever needed, the Sections of the Act of 1920 are quoted in full in the Notes under the Sections of the Regulation against which they are shown in the Table.

Grouping of Sections in Act V of 1920.

	Sections.
	1—2
PART I.	
CONSTITUTION AND POWERS OF COURT	3—5
PART II.	
PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.	
Acts of Insolvency	6
Petition	7—26
Order of Adjudication	27—30
Proceedings consequent on order of adjudication	31—34
Annulment of adjudication	35—37
Composition and Schemes of arrangement	38—40
Discharge	41—44
PART III.	
ADMINISTRATION OF PROPERTY.	
Method of proof of debts	45—50
Effect of insolvency on antecedent transactions	51—55
Realisation of property	56—60
Distribution of property	61—67
Appeal to Court against receiver	68
PART IV.	
PENALTIES	69—73
PART V.	
SUMMARY ADMINISTRATION	74
PART VI.	
APPEALS	75
PART VII.	
MISCELLANEOUS	76—83

Comparative Table of Sections.

Regn. VIII of 1090	Act. III of 1907	Act. V of 1920
1	1	1
2	2	2
3	3	3
—	—	4
4	4	6
5	5	7
6—(1)	6—(1)	12 } 18 }
(2)	(2)	11
(3)	(3)	10—(1)
—	—	(2)
(4)	(4)	9—(1)
(5)	(5)	(2)
(6)	(6)	8
7	7	14
8	8	15
9	9	16
10	10	17
11	11	13
12	12	19
—	—	20
13	13	21
—	—	23
14	14	24
15—(1)	15—(1)	25—(1)
—	—	(2)
(2)	(2)	26—(1)
(3)	(3)	(2)
16—(1)	16—(1)	27—(1)
—	—	(2)
—	—	28—(1)
(2)	(2)	(2)
(3)	(3)	(3)
(4)	(4)	(4)
—	—	(5)
(5)	(5)	(6)
(6)	(6)	(7)
—	—	29

Regn. VIII of 1090	Act. III of 1907	Act. V of 1920
16—(7)	16—(7)	30
—	—	31
—	—	32
17	17	36
18—(1)	18—(1)	56—(1)
(2)	(2)	(2)
(3)	(3)	(3)
(4)	(4)	(4)
—	—	(5)
19	19	57
20	20	59
—	21	60
21	22	68
22	23	58
23	24	33
24	25	49
25	26	50
26—(1)	27—(1)	38—(1)
(2)	(2)	(2)
(3)	(3)	(3)
(4)	(4)	(4)
(5)	(5)	(5)
(6)	(6)	(7)
(7)	(7)	39
(8)	(8)	40
(9)	(9)	38—(6)
27—(1)	28—(1)	34—(2)
(2)	(2)	(1)
28	29	45
29	30	46
30	31	47
31	32	48
32	33	61
33	34	51
34	35	52
35	36	53
36	37	54

Regn. VIII of 1090	Act. III of 1907	Act. V of 1920
37	38	55
38—(1)	39—(1)	62 }
(2)	(2)	
(3)	(3)	63
(4)	(4)	64
(5)	(5)	65
39	40	66
40	41	67
41—(1)	42—(1)	35
(2)	(2)	37—(1)
(3)	(3)	(2)
42—(1)	43—(1)	22
(2)	(2)	69
—	—	70
—	—	71
—	53	72
—	—	73
43—(1)	44—(1)	41—(1)
(2)	(2)	(2)
(3)	(3)	42—(1)
(4)	(4)	(2)
(5)	(5)	(3)
—	—	43
44	45	44
45	46	75
—	—	68
—	—	78
46	47	5
47	48	74
48	49	76
49	50	77
50	51	79
51	52	80
—	54	81
52	56	83

(2) For a general understanding of the main differences between Regn. VIII of 1090 and Act V of 1920 and of the principles and policies which underlie the important modifications introduced by the latter Act, the speech made by the Hon'ble Sir George Lowndes, when he moved the consideration of the Select Committee's Report, may be helpful. Extracts therefrom are given below :—

"If the Council will turn to the consolidated Bill, which is now before them, they will find in Clause 4 an important change, in that we have given the Insolvency Court power to deal finally, if they choose, with any questions of law or fact arising in the course of their investigations. We do not make it compulsory upon the Court to do so, we merely give them the power to do so, and we hope that where questions of difficulty or complexity, especially touching the rights of third parties come before Insolvency Courts, they will think it wise either to leave them to the decision of the ordinary

Courts, or to act upon the power which we have given to them in Sub-Clause (3), without deciding the rights of parties, to sell whatever interest an insolvent has in the property. This of course makes for expedition, and enables the estate to be wound up with much greater promptitude than if the auditors have to wait for the result of other legal proceedings. It is not a novelty, in that it is little more than the adoption of the ordinary procedure in execution where the right, title and interest of the debtor, whatever it may be, is sold by the executing Court.

"Turning to Clause 10, it provides that it shall be a condition precedent to the presentation of the insolvency petition that the debtor is unable to pay his debts. This is not quite such a simple question as it sounds, because if the Court is to be satisfied at the outset that the debtor is unable to pay his debts before it can go further, very large questions may arise for preliminary decision; for instance, in this country, there are often questions of the *benami* holding of property. We do not desire that there should be a preliminary trial of such questions at the outset of every petition, and we have accordingly provided under Clause 24 that *prima facie* proof only of inability to pay debts shall be required at this stage, leaving the question open for more detailed consideration when the adjudication has been made.

"Clause 20 contains a new provision with regard to the appointment of a receiver. We thought that ordinarily where a debtor was the petitioner an interim receiver should be appointed at once. We do not make this compulsory on the Court; we only say that *ordinarily* where the debtor is the petitioner an interim receiver shall be appointed, and where the creditor is the petitioner the Court may, if it so desires, appoint an interim receiver. A later Clause [56 (5)] applies to interim receivers the various provisions of the Act which affect receivers generally.

"Clause 27 and certain Clauses that go with it are probably among the most important changes in the Bill. The Clauses which the Council will have to consider in connection with it are 43, 10 (2) and 13 (1) (*f*) The question dealt with here is that of the discharge of the insolvent. In the past debtors have only cared to come before a Court to file their petition, to get release from jail, it may be, or protection. They have hardly even cared to come up for discharge But it is only when they come up for discharge that it is possible to deal with various offences that may have been committed by them. In practice, under the Provincial Insolvency Act, no application is made for discharge at all. There seems to be no ignominy attaching to an undischarged bankrupt at all events outside the larger Towns, and the provisions for discharge have been practically inoperative. The change that we have proposed here is that it shall be compulsory upon every petitioner to come up for his discharge within a certain period. Clause 27 provides that the Court is to fix the period within which the debtor must apply for his discharge. Clause 43 provides that if he does not so apply his adjudication shall be annulled. He is liable thereupon to go back to jail if he has been released, and is subject to the ordinary processes of execution. Clause 10 (2) provides that no insolvent may file a second petition on the same facts without the leave of the Court. Clause 13 (1) (*f*) provides that every petitioner must state in his petition whether an adjudication has been previously annulled, in order that the Court may be able to judge whether the petition is within the law or not.

"Turning to Clause 44 (2), the words at the end of Sub-clause (2)—'provable under this Act'—are important and provide that an insolvent's discharge shall release him from all debts provable in the insolvency. Under the existing Provincial Act, the discharge releases the debtor only from the debts which have been entered in the schedule. It was thought by the Committee that this puts a premium on creditors not coming in under the Act, but keeping out in order to harass the debtor or to get better

1. (1) This Regulation may be called the "Travancore Insolvency Regulation".

Short title, extent and commencement.

(2) It extends to the whole of Travancore.

(3) It shall come into force on the first day of Chingom 1091.

2. (1) In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Available act of insolvency" means any act of insolvency available for an insolvency petition at the date of the presentation of the petition on which the order of adjudiction is made:

---

terms out of him after the insolvency is over. It is obviously the policy of insolvency law not only to distribute the estate among the creditors fairly, but to give the debtor, if he has been an honest man, a fresh start from that time onwards. It is obvious that this policy will be defeated if we encourage creditors to keep their claims out of the schedule. We have, therefore, proposed the substitution, for the existing provision, of a provision that the discharge shall extend to all debts which are *provable* in the insolvency. In this instance, as in many others, we have adopted the provision of the Presidency Towns Act which is practically to this effect.

'Clause 69 dealing with penalties appears to be a very considerable change from the old Act, but the change is more in form than in substance. It was found that Sec. 43 of the old Act was unworkable largely on account of the vagueness of the language. We have remodelled it largely on the lines of the Presidency Towns Act. The only modifications, however, of the Clause as originally introduced in this Council are, first, that we have provided that, in the case of a number of offences committed in the course of the same insolvency proceedings the aggregate imprisonment shall only be two years, and, secondly, that we have added a provision that the Insolvency Court, instead of dealing with the offence itself may, if it thinks fit, make a complaint before the nearest Magistrate. This will enable more serious offences to be dealt with by the ordinary Criminal Courts.

* * * *

"Clause 78 is, I think, of sufficient importance to be mentioned. It is a limitation clause. When we provided that, if a debtor does not come up for his discharge, his adjudication should be annulled, it was obvious that this might cause hardship in the case of creditors who had causes of action against him at the time of adjudication, but who were precluded from filing their suits. If the adjudication was subsequently annulled, it seemed necessary to provide that the period between the adjudication and the annulment should be extended, and we have embodied this suggestion in Clause 78."—*Proceedings of the Indian Legislative Council dated 25-2-1920.*

Sec. 2 (1) (a): The definition given in this Clause was taken from Act III of 1907. The later Act V of 1920 has omitted the definition. The reason is thus stated in the Notes on Clauses appended to the Bill:—"The expression 'available act of insolvency' is not used anywhere else in the Act, and a definition, therefore, seems unnecessary. No such definition is to be found in the Presidency Towns Insolvency Act."—

India Gazette dated 7-9-1918, Pt. V.

b) "Creditor" includes a decree-holder, "Debt" includes a judgment-debt and "Debtor" includes a judgment-debtor:

(c) "Prescribed" means prescribed by Rules made under this Regulation:

(d) "Property" includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit:

Sec. 2 (1) (*d*): Case Law.

As a member of a Marumakkathayom Tarwad or Nambudiri Illom has no right to any ascertainable share of the common property, which is, by its every nature, impartible, it is *prima facie* wrong to say that an Official receiver can succeed to the undivided interest of the insolvent members in the Tarwad or Illom properties

The only enforceable interest which such a member has is limited to a claim for maintenance. A Karanavan is incompetent to sell common property without the consent of the junior members and he may not even mortgage such property without adequate Tarwad necessity. If he disposes of common property for his own benefit, the disposition is *ipso facto* invalid. Thus there can be no doubt that neither the Karanavan nor the junior member has such disposing power over the common property as may be exercised by him for his own benefit.

The Karavan or junior member has also no such disposing power over the profits of Tarwad property as may be exercised for his own benefit.

It is not open to the Karanavan to plead that he has absolute and exclusive control over the Tarwad income and that he would rather divert it to his own purposes than support and maintain the junior members.

Even though no suit for accounts lies against the Karanavan or even though the Karanavan has a wide discretion in the matter of the spending of the Tarwad income, he has no right to dispose of the profits of Tarwad property for his own benefit and regardless of the interests of the Tarwad.

Thus, the Tarwad or Illom properties are not 'properties' over which or the profits of which a Karanavan or junior member has a disposing power which he may exercise for his own benefit within the meaning of Sec. 2 (1) (*d*) of the Regulation.

There is nothing in the definition of 'Property' in the Insolvency Regulation which compels Courts to hold that the Tarwad property is the property of the Karanavan or the junior member who has been adjudged as insolvent.

Even though Sec. 263 of the Civil Procedure Code employs similar phraseology, the judgment-creditor who enforces his decree against the Tarwad of the Karanavan by attaching and bringing to sale the property of the Tarwad, seeks to execute the decree not personally against the man named as the judgment-debtor but against the Tarwad which is made liable for the debt. To speak of the Karanavan as the judgment-debtor in such a case is a more convenient and compendious mode of expression, the true meaning of which is that the Karanavan is a mere representative of the actual judgment-debtor, the Tarwad. It is not the Karanavan's right, title and interest in his individual capacity that the decree-holder proceeds against and brings to sale. He claims to attach and sell the Tarwad's right, title and interest in the property.

(e) "Secured creditor" includes a land-lord who, under any enactment for the time being in force, has a charge on land for the rent of that land: and

---

The law treats the members of the Tarwad as constructive parties to the decree and on that footing the decree is made enforceable against the Tarwad.

Thus viewed, no analogy can be drawn from Sec. 263 of the Civil Procedure Code. The insolvency of the Karanavan cannot also have the legal effect of enabling the receiver to step into his shoes as manager of the family, even as regards rights which can be exercised for his own benefit.

Karanavasthanom is a birth-right which cannot be relinquished or renounced or got rid of except under certain conditions. The Court may remove the Karanavan from his office for adequate reasons, or the Karanavan may be superseded or his powers restricted by private agreement entered into with other members of the Tarwad. It has been also held that restrictions on the Karanavan's authority may be imposed by a decree of Court. But it has never been suggested that a stranger to the Tarwad may act as a *de facto* Karanavan by virtue of a delegation of powers. That is a position which is altogether repugnant to the principles of Marumakkathayom law. Until therefore the Karanavan is formally removed from his office in due course of law or by a family Karar or, in the case of the Nairs, his office is voluntarily relinquished by a registered instrument, his rights and duties as manager of the Tarwad or Illom remain unimpaired.
—**40 T. L. R.,** ***212*** **(14 T. L. J.,** ***341*****).**

Sec. 2 (*e*): This definition is the same as that in Act III of 1907. Under the Act of 1920, "'Secured creditor' means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor."

The Select Committee put in this definition "which has remained unchanged in the English law for many years."—
India Gazette dated 27-9-1919, Pt. V.

The later Act also defines 'transfer of property' as including 'transfer of any interest in property and the creation of any charge upon property.' This is on the lines of the definition in Sec. 2 of the Presidency Towns Insolvency Act.

New Section: In the Indian Act of 1920, after Sec. 3 corresponding to the same Section in the Regulation, the following Section is introduced *re* 'Power of Court to decide all questions arising in insolvency':—
"4. (1) Subject to the provisions of this Act, the Court shall have full power to decide all questions whether of title or priority, or of any nature whatsoever, and whether involving matters of law or of fact, which may arise in any case of insolvency coming within the cognisance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) Subject to the provisons of this Act and notwithstanding anything in any other law for the time being in force, every such decision shall be final and binding for all purposes as between, on the one hand, the debtor and the debtor's estate and, on the other hand, all claimants against him or it and all persons claiming through or under them or any of them.

(3) Where the Court does not deem it expedient or necessary to decide any question of the nature referred to in Sub-sec. (1), but has reason to believe that the debtor has a saleable interest in any property, the Court may, without further enquiry, sell such interest in such manner and subject to such conditions as it may think fit."

In regard to Sub-sec. (1), the Statement of Objects and Reasons says:—"5. A further defect in the Act is the absence of provisions sufficiently defining the power of Courts to decide questions of law and fact

(*f*) "The Court" means the Court exercising jurisdiction under this Regulation.

(2) Save as herein otherwise provided, all words and expressions defined in the Code of Civil Procedure shall have the same meanings as those respectively assigned to them in the said Code.

---

arising in insolvency proceedings. In certain cases, *e. g.*, those mentioned in Secs. 18 (3), 36 and 37, the Court is empowered to pass orders, and Sec. 47 defines the general powers of the Court in regard to proceedings under the Act, but nowhere is a general power conferred on the Court to deal with and decide important questions of law and fact (*e. g.*, a question of title to property) which may arise in the insolvency proceedings. This question has recently been the subject of conflicting decisions in the Allahabad and the Calcutta High Courts. In *Nilmoni Chowdhri* v. *Durga Charan Chowdhri* (22 C. W. N., 704), the Calcutta High Court dissenting from the Allahabad High Court held that the Insolvency Court has no such power, and that a question of title to property should be tried in a separate suit. It is obviously desirable that this conflict between the two High Courts should be terminated, and having regard to the prevalence of *benami* transactions in India and the importance of arming Courts with adequate powers for the speedy realisation of assets in the interests of creditors, the Government of India are of opinion that the Court should be given full power to decide all questions raised in insolvency proceedings. Clause 3 of the Bill accordingly enacts a provision on the lines of Sec. 7 of the Presidency Towns Insolvency Act."—

India Gazette dated 7-9-1918, Pt. V.

In the Bill, only one provision [*i. e.*, Sub-sec. (1)] was first proposed. The other Sub-secs. (2) and (3) were added by the Select Committee in their First Report. They observed :—"The principle of the new Section 3-A, which will be added to the Act by this Clause (3), has been generally approved by its critics. It has been suggested, however, that a decision given under the provisions of this Section should operate as *res judicata* as between the debtor's estate and claimants against the estate. We consider that this is a reasonable suggestion and have given effect to it in Sub-section (2). We also think that where the Court does not consider it necessary to decide any question of title arising in the course of the proceedings, it should have power nevertheless, where there is *prima facie* proof that the debtor has any saleable interest in property, to direct the sale of such interest. This is provided for in Sub-section (3)."—

India Gazette dated 27-9-1919, Pt. V.

In Sub-sec. (2), the wording proposed by the Select Committee was:—"Subject to the provisions...... for all purposes *as between the debtor and all claimants against the debtor's estate who were parties thereto*, and all persons, &c.." The existing words were substituted by the Council, on the motion of a Non-official Member, and the discussion on his motion may be instructive. The Member in the course of his speech said :—"Considerable difficulties have arisen in the administration of justice in deciding questions of *res judicata*, in determining who are the parties to an adjudication, and I think if we can make our meaning clear by saying that the matters that may be adjudicated upon under Clause (1) are matters between the debtor and his estate on the one hand, and all persons whatsoever who may claim against that estate on the other hand, the matter would be more simple than if we import the words 'persons who are parties thereto.' Well, let us take a question of adjudication of title. Any creditor who may assert any title against the debtor or his estate to a particular piece of property in Insolvency should set up his title, that is, he must be a claimant. Well, if he be a claimant against the estate, the matter is

3. District Courts shall be the Courts having jurisdiction under this Regulation.

Insolvency jurisdiction.

4. A debtor commits an act of insolvency in each of the following cases, namely :—

Acts of insolvency.

(a) if, in Travancore or elsewhere, he makes a transfer of his property to a third person for the benefit of his creditors generally ;

---

res judicata whether he is on the schedule or not, and the matter is extremely important in view of the fact that all creditors who have not proved their debts, but who can prove their debts, must he considered to be represented in insolvency, and would be represented by the receiver, if a receiver be appointed, and we have made provision for the appointment of a receiver. I therefore think, Sir, that if we make this provision that on the one hand the party would be the debtor and the debtor's estate, may be the receiver, and the creditors who are represented by the receiver on the one hand, and the persons who claim the estate, on the other hand, the whole ground would be covered. In cases of priority the persons who would dispute would be the creditors themselves or the receiver may dispute the priority of a creditor. In that case, the debtor's estate would be represented by the receiver or by the debtor and the creditors would be the persons claiming against the estate within the meaning of that particular Clause."

The Hon'ble Sir George Lowndes remarked :—"Personally I should have thought it safer to limit it (the decision of the Insolvency Court) only to what I call the parties, that is, the people who have actually appeared on the claim. People who had not appeared on the claim possibly had no notice of it at all and should not be bound by it.*" The Mover of the amendment replied :— "I think matters between the debtor on the one hand and the creditors who support his title and claim their dividends out of the estate would not be *res judicata* upon any subsidiary points upon which the decision may be come to. It is only questions of title with regard to any property claimed and disputed to be the debtor's property that would be adjudicated upon as between the debtor and the creditors who support him on the one hand, and the persons who oppose him or who claim a title to that estate on the other hand. All persons who actively claim a title to that estate would be parties thereto necessarily, and I think that no one who is not a party to the suit in that sense of the term would be in any way whatsoever prejudiced by any adjudication. The difficulty I felt was as to whether a creditor siding with a debtor in respect of the title to a particular piece of property but not in the schedule or not proving his debt or not a party regularly to the suit would still be governed by an adjudication on any issue raised in the course of these proceedings. My submission is that those creditors who support the debtor would be on the same side and the matter would not be *res judicata* ; only the creditors claiming and receiving a dividend would be estopped. The matter would be *res judicata* as between the debtor on the one side and the persons who claim adversely to the estate on the other, and I do not think that any person by reason of absence of notice or by reason of his not being a party to the suit would be prejudicially affected in any manner whatsoever."—

Proceedings of the Indian Legislative Council dated 25-2-1920.

Sec. 4 (a): The wording of Sec. 6 (a) in the Act of 1920 is:—

"if............he makes a transfer of *all or substantially all* his property...generally."

(*b*) if, in Travancore or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors;

(*c*) if, in Travancore or elsewhere, he makes any transfer of his property or of any part thereof or of any interest therein, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(*d*) if, with intent to defeat or delay his creditors,—

(i) he departs or remains out of Travancore,

(ii) he departs from his dwelling house or usual place of business or otherwise absents himself,

(iii) he secludes himself so as to deprive his creditors of the means of communicating with him;

(*e*) if any of his property has been sold in execution of the decree of any Court for the payment of money;

(*f*) if he petitions to be adjudged an insolvent under the provisions of this Regulation;

(*g*) if the gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts;

(*h*) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this Section, the act of any agent may be the act of the principal.

Petition and adjudication.

5. Subject to the conditions specified in this Regulation, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Clause (c).—The words "of any interest therein" which were in the Act of 1907 are not found in the Act of 1920, in view of the definition of "transfer of property" given in the latter Act. See note under Sec. 2 (e) *Supra.*

Sec. 5: Case Law.

1. It is competent for a judgment-debtor to present an insolvency petition under Sec. 5 of the Regulation, even though he is not possessed of any property wherewith to satisfy the claims against him.

That the debtor should be possessed of some property is not among the conditions limiting the debtor's right to present an insolvency petition—See Sec. 6 (3). Nor can this be implied from the language, *inter alia*, of Sec. 11 (e). The view that a debtor who

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this Section, and on such petition the Court may make an order of adjudication.

Presentation and admission of petition.

6. (1) Every insolvency petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure for signing and verifying plaints, and the procedure laid down by the said Code with respect to the admission of plaints shall, so far as it is applicable, be followed in the case of such petitions.

---

happened to own nothing would be excluded from all the benefits of the Regulation, could be successfully maintained only if it be made out that the sole purpose of the Regulation is to enable the Court to administer the insolvent's property. *That*, no doubt, is one of its purposes and a very essential purpose: but there are others not less vital --the final discharge, for instance, of the debtor and the interim protection of his person and property in the manner provided by Sec. 16 (2) (*b*). Why should the debtor be deprived of such valuable rights, simply because he had no property, *on the date of the petition*, to be placed at the disposal of the Court? Further, it appears possible for the insolvent to be the means of acquiring property for his creditors and passing it on to the Court for the purpose of distribution, even after he has been adjudicated an insolvent under Sec. 16.—See Sec. 16 (4).— **35 T. L. R.,** *89.*

2. Where the Court is satisfied that the debtor is 'entitled to present' the petition in insolvency, it is bound to make an order of adjudication. The right of the debtor to present the petition is the only point that the Court need look into before passing the order of adjudication. Questions relating to the exact amount of the debts due or to the precise extent of the properties or their correct value would properly arise only when the Court proceeds to pass the order of discharge under Sec. 43.

The Court has no power to reject a petition presented by a debtor who, under the provisions of Sec. 6, is entitled to present a petition, on the ground *of any sufficient cause* under the provisions of Sec. 15 (1). The clause 'or that for any other sufficient cause no order ought to be made' occurring in Sec. 15 (1) has no reference to the case where the debtor is the petitioner. Sec 15 (1) deals in order with the facts mentioned in Sec. 14 (1) (*a*), (*b*) and (*c*) about which proof had been required. Clause (*a*) of Sec. 14 (1) alone refers to the debtor's petition. Clauses (*b*) and (*c*) have reference only to the creditor's petition. The first part of Sec. 15 (1) has reference to a petition presented by the debtor. The remaining portion deals with the case of a petition presented by the creditor. In this latter case, if the Court is not satisfied with the proof of the service of notice on the debtor as required by Sec. 12 (3), or of the alleged act of insolvency, the Court shall dismiss the petition. There is yet another ground on which the Court is not only empowered but is bound to dismiss the creditor's petition. This is contained in the last Clause of Sec. 15 (1). The 'petition' in this case can necessarily have reference only to the creditor's petition. The clause 'or is satisfied by the debtor............ought to be made,' which is marked off within commas, has to be read in the context in which it appears as referring to the debtor satisfying the Court 'that he is able to pay his debts' or 'that for any other sufficient cause no order ought to be made' against him.—

16 T. L. J., *867.*

(2) Every insolvency petition shall be presented to the District Court having jurisdiction under this Regulation in any local area in which the debtor ordinarily resides or carries on business or personally works for gain: Provided that, if the debtor has been arrested or imprisoned, the petition may also be presented to the District Court having jurisdiction over the local area where he is in custody.

(3) The debtor shall not be entitled to present an insolvency petition unless—

(*a*) his debts amount to five hundred rupees; or

(*b*) he has been arrested or imprisoned in execution of the decree of any Court for the payment of money; or

(*c*) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.

Sec. 6 (2): (1) The Section in Act III of 1907 was as follows:—"Every insolvency petition shall be presented to the District Court.........for gain, *or if he has been arrested or imprisoned, where he is in custody.*" This was the wording adopted in the original Bill. But the Select Committee omitted the italicised words and added the existing Proviso. They said:—"The idea is that, in addition to the Courts within whose jurisdiction the debtor ordinarily resides, or carries on business or personally works for gain, he may, if arrested or imprisoned, *also* petition to the Court that has jurisdiction over the area where he is in custody. In 15-Indian Cases, Page 830, a contention was raised that the words—'if he has been arrested......custody'—limit the jurisdiction to the Court within whose jurisdiction the debtor is detained in custody. Though the contention was overruled, as the Section stands, it is liable to be misconstrued. The words—'or if he has been arrested.........custody'—have therefore been omitted, and the Proviso added."— *S. C. R.*

(2) Sec. 11 of Act V of 1920 reproduces the wording of the earlier Act, with the following added to it:—"Provided that no objection as to the place of presentment shall be allowed by any Court in the exercise of appellate or revisional jurisdiction, unless such objection was taken in the Court by which the petition was heard at the earliest possible opportunity and unless there has been a consequent failure of justice."

In the Notes on Clauses appended to the Bill, it is stated:—"The Proviso is designed to cure a defect. Sec. 6 (2) lays down where an insolvency petition is to be presented, but does not contain any saving in the event of the petition being presented in the wrong Court. The point was raised in *Madho Pershad* v. *Watson* (18 C. W. N., 1050), where the insolvent successfully presented an appeal on the ground that the petition had been presented in the wrong Court. The proposed Proviso is intended to stop this loophole in the existing law."—

India Gazette dated 7-9-1918, Pt. V.

Sec. 6 (3): (1) Act V of 1920 (Sec. 10) has the words—"he is unable to pay his debts and"—after the word "unless." These words were added by the Select Committee, as they considered that "inability to pay debts should in all cases be a condition precedent for the presentation of a petition."—

India Gazette dated 27-9-1919, Pt. V.

(2) The following Sub-section has also been added:—"(2) A debtor in respect of whom an order of adjudication made under this Act has been annulled, owing to his failure to apply or to prosecute an application for his discharge, shall not be entitled

(4) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(a) the debt owing by the debtor to the creditor, or if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors amounts to five hundred rupees; and

(b) the debt is an ascertained sum payable either immediately or at some certain future time; and

(c) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

---

to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that the petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made."

The Statement of Objects and Reasons has the following explanation :—"2. The chief indictment of the Act is that it lends itself to the protection of fraudulent debtors, that it subjects an undischarged insolvent to little or no practical inconvenience, and that its provisions for the punishment of fraudulent insolvents are not effective in practice.

"3. One of the principal defects in the existing law arises from the fact that the conduct of the debtor in many cases never comes under the scrutiny of the Court. The stage at which the misconduct of the debtor should come before the Court, and at which most of the provisions affecting a fraudulent insolvent would operate, is when he applies for his discharge. But there is nothing in the Act which requires him to apply for his discharge, and in practice such applications are rare. To remedy this unsatisfactory state of the law, it is proposed to include in the Act provisions which will compel an insolvent to apply to the Court within a prescribed period for his discharge or to lose the protection afforded by the insolvency proceedings. The Court will have power to extend the prescribed period and, when the adjudication order is annulled owing to the failure of the insolvent to apply in time for his discharge, a fresh petition on the same facts will be barred."—

India Gazette dated 7-9-1918, Pt. V.

The changes thus proposed were effected by the addition of Sub-sec. (2) to Sec. 10, quoted above, and also by amendments made in other Sections—See Secs. 27, 30 and 41 (1) of Act V of 1920 given respectively in the Notes under Secs. 16 (1), 16 (7) and 43.

Sec. 6 (4): In the Indian Act, Clause (b) of this Sub-section is :—"(b) the debt is *a liquidated* sum payable either immediately or at some certain future time." The Select Committee changed the word "liquidated." They said:—"This expression (liquidated sum) is not defined in the Bill. Though, in the English Act and the Provincial Insolvency Act in British India, the same expression is used, writers on the Insolvency Act are of opinion that the expression is not quite clear and that difficulties are likely to arise in its interpretation. It is therefore thought desirable to substitute 'ascertained sum' in the place of 'liquidated sum,' as the former is a familiar expression used in the Civil Procedure Code."— *S. O. R.*

(5) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent or give an estimate of the value of the security In the latter case, he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

(6) No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

Withdrawal of petitions.

7. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court

---

Case Law.

1. The only point that will have to be decided before making an order of adjudication on an insolvency petition presented by a debtor or before dismissing such petition is whether the debtor is, under Sec. 6 of the Regulation, entitled to present the petition. The means of the petitioner and other matters of a like nature are to be dealt with only when the Court is called upon to make the order of discharge under Section 43 of the Regulation.

"In clear and distinct terms, the Act entitles a debtor to an order of adjudication when its conditions are satisfied. This does not depend on the Court's discretion, but is a statutory right; and a debtor who brings himself properly within the terms of the Act is not to be deprived of that right on so treacherous a ground of decision as an 'abuse of the process of the Court' * * The stage at which to visit with its due consequences any misconduct of a debtor is when his application for discharge comes before the Court, and not on the initial proceeding."—
34 T. L. R., *169.*

Ref.—13 T. L. J., 339.
16 T. L. J., 357.

2. It is doubtful whether a principal merely on his right to call for an account from his agent, can file an insolvency petition. Such a claim cannot be regarded as for an ascertained sum payable either immediately or at some certain future date within the meaning of Sec. 6 (4) (*b*) of the Regulation.

Sec. 27 does not help in construing Sec. 6. Once an insolvency petition has been presented by a creditor entitled to present it, various claims may be put forward which would not have formed the basis of a valid insolvency petition.

Where a reading of the petition does not show that a right to present it has arisen, there seems no objection to the Judge calling for the petitioner and examining him as to his right, and if the answers given are unsatisfactory, rejecting the petition. There is nothing wrong in this procedure, and it is immaterial that, under Sec. 12, the same question has to be gone into.—
17 T. L. J., *88.*

3. See under Sec 5.— **35 T. L. R.**, *39.*
" " 2 (1) (*d*).—**40 T. L. R.**, *212.*

Sec. 7: Case Law.

See under Sec. 15.—**36 T. L. R.**, *161.*

8. Where two or more insolvency petitions are presented against the same debtor, or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Consolidation of petitions.

9. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Regulation in the case of a petitioning creditor.

Power to change carriage of proceedings.

10. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive

Continuance of proceedings on death of debtor.

11. (1) Every insolvency petition presented by a debtor shall contain the following particulars, namely :—

Contents of petition.

(a) a statement that the debtor is unable to pay his debts;

(b) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody;

(c) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property, together with particulars of the decree in respect of which any such order has been made;

(d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can

---

Sec. 8 : Case Law.

See under Sec. 45 (2).—39 T. L. R., 17.

Sec. 10 : In the 1920 Act (Sec. 17), the wording is—"If a debtor......be continued *so far as may be necessary for the realisation and distribution of the property of the debtor.*" The amendment was made, as stated in the Notes on Clauses, to "make it clear that the object of continuing proceedings on the death of the debtor is for the purpose only of realising and distributing his property."—*India Gazette dated 7-9-1918, Pt. V.*

Sec. 11 : Sec. 13 *of the Act of 1920* has amended Sec. 11 of the earlier Act by the addition of the following Clause to Sub-sec. (1) :—"(f) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent, and (where such a petition has been filed)—

(i) if such petition has been dismissed, the reasons for such dismissal, or (ii) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether any previous adjudication has been annulled and, if so, the grounds therefor."

by the exercise of reasonable care and diligence be ascertained by, him;

(e) the amount and particulars of all his property, together with—

(i) a specification of the value of all such property not consisting of money;

(ii) the place or places at which any such property is to be found; and

(iii) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

(2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in Clause (*b*) of Sub-section (1) and shall also specify—

(*a*) the act of insolvency committed by such debtor, together with the date of its commission; and

(*b*) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Procedure on admission of petition.

12. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

(2) Notice of the order under Sub-section (1) shall be given to creditors by publication in Our Government Gazette, and in such other manner as may be prescribed.

Case Law.

1. An insolvency petition did not give the value of the properties as required by Sec. 11 of the Regulation. *Held.*—The defect was fatal and it justified the lower Court in rejecting the petition on that ground. The word 'shall' in Sec. 11 is imperative.

The omission to state the value of the properties is 'sufficient cause' within the meaning of Sec. 15 of the Regulation, which would justify the Court in rejecting the petition.— 11 T. L. J., *402.*

Fol.—39 T. L. R., 317.
13 T. L. J., 339.
Not fol.—16 T. L. J., 357.

2. Sec. 11, Clause (*a*), of the Regulation is imperative in its provision and a petition not containing a statement that the debtor is unable to pay his debts does not satisfy the requirements of law.—14 T. L. J., *25.*

3. See under Sec. 5.—35 T. L. R., *39.*
„ 45 (2).—39. T. L. R., *317.*

Sec. 12: In Act V of 1920, Sub-section (2) runs thus:—"(2) Notice of the order under Sub-sec (1) shall be given to creditors in such manner as may be prescribed." Similar amendments *re* non-publication in the Gazette have been made in other Sections also—See Notes under Secs. 26 and 43 *Infra.* In the Notes on Clauses, it is stated that "these amendments are introduced

(3) Where the debtor is not the petitioner, notice of the order under Sub-section (1) shall be served on him in the manner provided for the service of summons.

Interim proceedings against debtor.

13 At the time of making the order referred to in Section 12, Sub-section (1), or at any subsequent time before adjudication, the Court may, either of its own motion or on the application of any creditor, make one or more of the following orders, namely :—

with a view to curtail the excessive number of notices which are at present required to be published in the Gazette."—

India Gazette dated 7-9-1918, Pt., V.

Case Law.

See under Sec. 6—17. T. L. J., 88.

Sec. 13 : The first para of Sec. 21 of the 1920 Act runs thus :—"21. At the time of making *an order admitting the petition* or at any subsequent time, &c."

That Act has omitted Sub-clause (2) regarding the appointment of an interim receiver, and provided the following separate Section :—"20. The Court when making an order admitting the petition may, and where the debtor is the petitioner ordinarily shall, appoint an interim receiver of the property of the debtor or of any part thereof, and may direct him to take immediate possession thereof or of any part thereof, and the interim receiver shall thereupon have such of the powers conferable on a receiver appointed under the Code of Civil Procedure, 1908, as the Court may direct. If an interim receiver is not so appointed, the Court may make such appointment at any subsequent time before adjudication, and the provisions of this Sub-section shall apply accordingly."

In the Notes on Clauses, it is said :—"Sec. 13 (2) gives power to appoint an interim receiver at any time between the admission of the petition and the order of adjudication, but the Act is silent as to the powers of an interim receiver. It is considered desirable that an interim receiver should normally be appointed when the petition is admitted, and should be armed with such of the powers conferable on a receiver under the Code of Civil Procedure as the Court may direct."—

India Gazette dated 7-9-1918, Pt. V.

New Section : Sec. 23 of Act V of 1920 provides for release of debtor :—"23 (1) At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may, if the debtor is under arrest or imprisonment in execution of the decree of any Court for the payment of money, order his release on such terms as to security as may be reasonable and necessary.

"(2) The Court may at any time order any person who has been released under this Section to be re-arrested and re-committed to the custody from which he was released.

"(3) At the time of making any order under this Section the Court shall record in writing its reasons therefor."

Sec. 13 : Case Law.

A judgment-debtor, arrested in execution of a decree of a Munsiff's Court, moved the District Court to be declared an insolvent and, pending enquiry, to be released from custody. The District Judge rejected the petition. The judgment-debtor appealed. *Held.*—Sec. 13 (1) does not enable the Court to release a judgment-debtor from custody before the final adjudication. The provisions of the Section are meant for the protection of the creditors and not for the protection of the debtor. Till the order of adjudication, the right of the decree-holder to proceed against the person and properties of the debtor is not affected.

(1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the Civil prison;

(2) order the appointment of an interim receiver of the property of the debtor or of any part thereof;

(3) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree;

(4) order a warrant to issue with or without bail for the arrest of the debtor and direct either that he be detained in the Civil prison, until the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary:

Provided that an order under Clause (2), Clause (3) or Clause (4) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(i) has absconded or has departed from the local limits of the jurisdiction of the Court or is about to abscond or to depart from such limits, or is remaining outside them, or

(ii) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Procedure at hearing.

14. (1) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof—

(a) that the creditor or the debtor, as the case may be, is entitled to present the petition;

In British India, the new Sec 23 of Act V of 1920 gives authority to the Court to release the judgment-debtor from custody during the pendency of the insolvency petition. But the provision has not been introduced into the Regulation.—

40 T. L. R., 87 (14 T. L. J., 195).

Sec. 14 (1) (*a*): The 1920 Act, Sec. 24, has the following proviso at the end of Clause (a):—

"Provided that where the debtor is the petitioner, he shall, for the purpose of proving his inability to pay his debts, be required to furnish only such proof as to satisfy the Court that there are *prima facie* grounds for believing the same and the Court, if and when so satisfied, shall not be bound to hear any further evidence thereon."

The Select Committee suggested the above proviso and pointed out that "at the stage

(*b*) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order referred to in Section 12, Sub-section 1; and

(*c*) that the debtor has committed the act of insolvency alleged against him.

(2) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing and the creditors shall have the right to question the debtor thereon.

(3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

(4) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the Judge and shall form part of the record of the case.

---

with which Sec. 14 deals, *prima facie* proof only shall be required of the debtor's inability to pay his debts," and not "a preliminary enquiry into matters which will have to be gone into fully at a later stage, particularly if it is alleged that there has been any fraudulent concealment of assets."

India Gazette dated 27-9-1919, Pt. V.

In regard to the principle involved in the provision, the statement of Objects and Reasons said :—

"4. It is now settled law that under the Act, as it stands, it is not open to the Court to reject the petition of a debtor on the ground that the application is an abuse of the law. While admitting that the object of an insolvency law is to deal with all insolvents, whether honest or not, and that no applicant who is in fact insolvent should be liable to have his petition dismissed *in limine*, it seems reasonable that the Court should have discretion as to the amount of protection to be afforded to a petitioning debtor in each individual case, the debtor being required to show that he is in fact unable to pay his debts, and that he has not concealed his property."—

India Gazette dated 7-9-1918, Pt. V.

In addition to the change made in the existing law by the above Proviso, amendments were made in other Sections.—See Secs. 25 and 31 of Act V of 1920 quoted respectively under Sec. 15 and after Sec. 16 (7), *Infra.*

Case Law.

1. A debtor arrested in execution of a decree presented an application in insolvency, and the District Court adjudicated the debtor an insolvent. It was contended that the Court was bound to grant time to the creditor to produce evidence before an order of adjudication could be made.

Held.—Sec. 14 (1) lays down that the Court shall require proof that the debtor is entitled to present the petition, and if that is proved to the satisfaction of the Court, an order of adjudication naturally follows as laid down in Sec. 16.

The policy of the Insolvency Regulation departing from that which underlies the provisions of the Civil Procedure Code (Regulation II of 1065), with respect to insolvency proceedings, is not to enquire into the conduct of the debtor or the genuineness of the debts mentioned by him in his schedule or the honesty of his dealings with his creditors

15. (1) Where the Court is not satisfied with the proof of the right to present the petition or of the service of notice on the debtor as required by Section 12, Sub-section 3, or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.

Dismissal of petition.

(2) Where a petition presented by a creditor is dismissed under Sub-section (1) and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine.

(3) An award under this Section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

---

at the initial stage of the insolvency proceedings, but it is to make an order of adjudication at first and then to make a full enquiry into all matters connected with the insolvency before the question of the debtor's discharge is decided.— **8 T. L. J., *333*.**

Ex.—10 T. L. J., 189.
Ref.—13 T. L. J., 339.

2. A person presented a petition for adjudication as an insolvent alleging that he had debts to the extent of Rs. 860. One of the creditors contended that debts to the extent of Rs. 450 were fictitious. The Court adjudged the petitioner an insolvent without requiring any independant proof that the debts mentioned by him were true. ***Held***.—When a person has presented a petition for adjudication as an insolvent, there must be a clear finding that he is entitled to present such a petition before any relief can be granted.

Sec. 14 contains clear provisions that some enquiry should be made and that both the debtor and the creditor are entitled to adduce evidence before an order of adjudication is passed under Sec. 16 of the Regulation.— **10 T. L. J., *189*.**

3. See under Sec. 5.—16 T. L. J., 357.
" " 45 (2)—30 T. L. R., 317.

Sec. 15 (1): Sec. 25 of Act V of 1920 reads thus :—"(1) In the case of a petition presented by a creditor, where the Court is not satisfied with the proof of his right to present the petition, or of the service on the debtor of notice of the order admitting the petition, or of the alleged act of insolvency ....dismiss the petition.

"(2) In the case of a petition presented by a debtor, the Court shall dismiss the petition if it is not satisfied of his right to present the petition."

Vide Note under Sec. 14 *supra*.

Case Law.

1. The language used in Section 15 (1) is wide enough to cover petitions filed by debtors as well.— **13 T. L. J., *339*.**

Not Fol.—16 T. L. J., 357.

2. On a prior occasion, an insolvency petition was filed against the debtors and a composition deed was entered into out of Court between the debtors and the creditors by which certain arrangements were made for the paying up of all the debts. The composition was brought to the notice of the Court and the insolvency petition was allowed to be withdrawn. The creditors, alleging that the debtors committed fresh

16. (1) Where a petition is not dismissed under the preceding Section and the debtor is unable to propose any composition or scheme which shall be accepted by the creditors and approved by the Court in the manner hereinafter provided, the Court shall make an order of adjudication.

Order of adjudication.

(2) On the making of an order of adjudication—

(*a*) the whole of the property of the insolvent save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree, shall vest in the Court or in a receiver as hereinafter provided and shall become divisible among the creditors, and

---

acts of insolvency, presented again an insolvency petition. It was contended that, having regard to the terms of the composition deed and the Court's order permitting the prior insolvency petition to be withdrawn, the debtors could not be adjudicated insolvents. *Held.*—The composition deed was one entered into entirely out of Court and admittedly the Court was not called upon or requested by any of the parties to the deed to exercise any of the various judicial functions entrusted to it by Section 26 before making up its mind to approve of its terms. Section 26 has no application to the facts of the case. The order of the Court allowing the withdrawal of the prior insolvency petition was one passed under Section 7 of the Regulation, and the prior proceedings did not constitute sufficient cause under Section 15 to dismiss the second insolvency petition —

38 T. L R., *161* (13 T. L. J., *319*)

3. See under Sec. 6.— 34 T. L. R., 169.
„ „ 11.— 11 T. L. J., 402.
„ Other cases—8 T. L. J., 459.

Sec. 16 (1): Section 27 of the Indian Act is as follows:—"27. (1) If the Court does not dismiss the petition, it shall make an order of adjudication, and shall specify in such order the period within which the debtor shall apply for his discharge.

"(2) The Court may, if sufficient cause is shown, extend the period within which the debtor shall apply for his discharge, and in that case shall publish notice of the order in such manner as it thinks fit."

Vide Note (2) under Sec. 6 (3), *Supra*

Sec. 16 (2) to (6): Section 28 of the Indian Act runs thus:—"28 (1) On the making of an order of adjudication, the insolvent shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors.

"(2) *On the making of an order of adjudication, the whole of the property of the insolvent shall vest in the Court or in a receiver as hereinafter provided, and shall become divisible among the creditors,* and thereafter, except as provided.........have any remedy *against the property of the insolvent* in respect of the debt......Court may impose.

"(3) For the purposes.........of the insolvent.

"(4) All property which is acquired by...

"(5) The property of the insolvent for the purposes of this Section shall not include any property (not being books of account) which is exempted by the Code of Civil Procedure, 1908, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree,

(b) the insolvent, if in prison for debt, shall be released;

and thereafter, except as provided by this Regulation, no creditor to whom the insolvent is indebted in respect of any debt provable under this Regulation, shall during the pendency of the insolvency proceedings, have any remedy against the property or person of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose.

(3) For the purposes of Sub-section (2), Clause (a), all goods being, at the date of presentation of the petition on which the order is made, in the possession, order or disposition of the insolvent, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent.

(4) All such property as may be acquired by, or devolve on, the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver and become divisible among the creditors in accordance with the provisions of Sub-section (2), Clause (a).

(5) Nothing in this Section shall affect the power of any secured creditor to realise or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with it if this Section has not been passed.

(6) An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made.

(7) Notice of an order of adjudication stating the name, address, and description of the insolvent, the date of the adjudication and the Court by which the adjudication is made, shall be notified in Our Government Gazette and in such other manner as may be prescribed.

"(6) Nothing in this Section......has not been passed.

"(7) An order of adjudication.........on which it is made."

Sec. 16 (7): Section 30 of the Indian Act runs thus :—" 30. Notice of an order of adjudication stating.........adjudication, *the period within which the debtor shall apply for his discharge*, and the Court......prescribed."

Vide Note (2) under Section 6 (3), *supra*.

New Sections.—Under the heading 'Order of adjudication,' the Indian Act has also the following Section which immediately follows Section 28 corresponding to Section 16 of the Regulation. It provides for the dismissal or stay of suits which are pending against a debtor when an order of adjudication is made against him. This addition was proposed by the Select Committee on the lines of Section 18 (3) of the Presidency Towns Insolvency Act of 1909 :—" 29. Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made

against him under this Act, either stay the proceeding, or allow it to continue on such terms as such Court may impose."

Under the head of 'Proceedings consequent on order of adjudication,' two new Sections have been put in in the Indian Act dealing with 'Protection Order' (Sec. 31) and 'Power to arrest after adjudication' (Sec. 32). They are:—"31. (1) Any insolvent in respect of whom an order of adjudication has been made may apply to the Court for protection, and the Court may, on such application make an order for the protection of the insolvent from arrest or detention.

(2) A protection order may apply either to all the debts of the debtor, or to any of them as the Court may think proper, and may commence and take effect at and for such time as the Court may direct, and may be revoked or renewed as the Court may think fit.

(3) A protection order shall protect the insolvent from being arrested or detained in prison for any debt to which such order applies, and any insolvent arrested or detained contrary to the terms of such an order shall be entitled to his release: Provided that no such order shall operate to prejudice the rights of any creditor in the event of such order being revoked or the adjudication annulled.

(4) Any creditor shall be entitled to appear and oppose the grant of a protection order.

"32. At any time after an order of adjudication has been made, the Court may, if it has reason to believe on the application of any creditor or the receiver, that the debtor has absconded or departed from the local limits of its jurisdiction with intent to avoid any obligation which has been, or might be, imposed on him by or under this Act, order a warrant to issue for his arrest, and on his appearing or being brought before it, may, if satisfied that he was absconding or had departed with such intent, order his release on such terms as to security as may be reasonable or necessary, or if such security is not furnished, direct that he shall be detained in the Civil prison for a period which may extend to three months."

Sec. 31 given above as to protection orders is on the lines of Sec. 25 of the Presidency Towns Insolvency Act. *Vide* Note under Sec. 14 *Supra*.

Case Law.

1. When the adult partners in a partnership become insolvent, the partnership is not thereby dissolved though the Court may for this reason dissolve the partnership. The Official Assignee only takes the share of the insolvent partner or partners and there is not vested in him, by reason merely of the order of adjudication, all the assets of the firm, though, by properly framed proceedings, he may be able to make the firm assets on the whole available for the payment of the firm debts.

Where, before the order of adjudication, the partnership has been dissolved by consent and is in the act of being wound up by the adult partners who are taking the necessary steps for applying the firm assets to the payment of firm debts, the Official Assignee has merely to continue the process and there is no need for him to take further steps in the nature of a suit to dissolve or wind up the partnership.

The situation then is the same as it would have been if, after his appointment, the receivers had taken steps to wind up the partnership (F. B.).—

40 T. L. R., *378* (14 T. L. J., *538*).

2. A vesting order under Sec. 16 of the Regulation can be passed with respect to an interest in a Kandukrishi holding.

Under Sec. 16, a vesting order could not be passed with respect to 'such particulars as are exempted from the Code of Civil Procedure or by other enactment for the time being in force from liability to attachment and sale in execution of the decree.' The question for consideration, therefore, is whether it could be said that no saleable interest

could be had in Kandukrishi holdings as contemplated in Sec. 263 of the Civil Procedure Code of 1065 (corresponding to Sec. 52 of the Code of 1100). The expression 'saleable' occurring in this Section has not received judicial interpretation here. In considering the scope of the corresponding provision in Sec. 266 of the British Indian Code of 1882 and Sec. 60 of the Code of 1908, some of the British Indian Courts have consistently held that the expression 'saleable interest' should be taken to refer to interest which could be sold at a compulsory sale, as in execution of a decree, and not denoting interest that could be transferred by means of a private alienation. A general prohibition against private alienations could not bar involuntary alienations such as sales in execution of decrees. The above view seems to be in consonance with the rule that provisions of this kind, which virtually deprive litigants of their rights to enforce their claims against the properties of their debtors, and are therefore of an ex-proprietary nature, have to be construed strictly.

Next may be considered whether there are any statutory prohibitions against the sale of such interest in execution. Sec. 7-A of the C. P. C. of 1065 barred the cognizance by Civil Courts of suits relating to Kandukrishi lands or to any benefits arising from such lands without an order of Government to seek redress in Civil Courts. In Sec. 8 of the Code of 1100, the rigour of the rule has been relaxed and an exception made in the case of suits by registry holders of Kandukrishi Pattom lands recognised as such in the Government Revenue accounts for the recovery of such lands from a mortgagee or a lessee or for the eviction of a trespasser. This was evidently by way of dispensing with the sanction in cases in which the same was directed to be invariably issued under G. O. No. 2790/L. R./2066 dated 29-5-1918 (L. R. M., First Supplement, Pp. 226-227). The policy adopted in such matters thus seems to be towards recognising alienations by way of mortgages and leases with regard to Kandukrishi Pattom lands.

Even otherwise, the provisions relating to sanction referred to above cannot be taken as interdicting absolutely alienations with respect to Kandukrishi lands. The alienations made with respect to them could not be binding on the Sirkar, they having the power to deal with the same as they chose. A registry by them in favour of the mortgagee would not enure to the benefit of the mortgagor : such registry would extinguish the title of other persons. In S. A. No 394 of 1092, it was held that by a sale deed relating to such lands, which cannot bind the Sirkar, a vendee acquired the right to enjoy. The Proclamation dated 30-11-1091 only prohibited the conversion of Kandukrishi wet lands.

Sec. 7 of the Code of 1065 should be held operative only to the specific cases it dealt with. This provision, being of an ex-proprietary nature, has to be construed strictly and could not therefore be made operative to cases not specifically enumerated therein. A suit for a declaration of title to buildings on Kandukrishi land has been held not to fall within the purview of this Section (30 T. L. R. 213). Execution proceedings cannot be treated as suits under this Section (33 T. L. R., 240, 243). As such, the insistence of sanction for suits with respect to Kandukrishi lands cannot be extended to execution proceedings relating to them. It may be noticed in this connection that, in the above case, the right to the improvements effected on Kandukrishi lands was held to be saleable as contemplated in Sec. 263 of the Code of 1065 (Sec. 52 of the Code of 1100.) From this, it could be seen that the provisions of Sec. 7-A of the Code could not be treated as a statutory prohibition against the right over Kandukrishi lands being saleable.— 17 T. L. J., *879*.

3. A debtor executed in favour of the appellant a hypothecation deed which was sought to be annulled under Sec. 36 of the Insolvency Regulation as a fraudulent preference ; but the High Court by its decision in 10 T. L. J. 146, held that the deed was not vitiated by the provisions of Section 36,

Thereafter, the receiver in insolvency and two creditors who had, prior to the date of the hypothecation bond, placed attachments on the property, applied for permission to file a suit for the cancellation of the hypothecation deed which they alleged was not supported by consideration and was executed in fraud of creditors. The District Judge gave the receiver the sanction he applied for, and further ordered that as there were subsisting attachments on the property on the date of the hypothecation, the hypothecation was void under Sec. 273 of the Civil Procedure Code against the attaching creditors and other creditors entitled to rateable distribution under Sec. 292 of that Code ; such creditors being in the Judge's view, entitled to precedence over the hypothecation unless the latter agreed to come in the rank of unsecured creditors like the rest. *Held* (on appeal by the hypothecatee).—

The rights of the creditors have to be determined by reference to the provisions of the Insolvency Regulation and not the Civil Procedure Code. The effect of Sec. 16 Cl. (2) and Sec. 33 Cl. (1) of the Insolvency Regulation is that the claims which the creditors may have been able to enforce under the Civil Procedure Code ceased to be so enforceable upon the making of the order of adjudication. On the making of the order of adjudication, the whole property of the insolvent vests in the Court or the receiver and no creditor has any remedy against the property except as provided by the Regulation. Where execution has issued against the property of the debtor, the creditor is not entitled to the benefit of the execution against the receiver except in respect of assets realised in execution before the date of the order of adjudication. It cannot be contended that an attaching creditor has any lien or charge on the debtor's property which he attaches, and he is therefore not entitled to rank as a secured creditor. He can only work out his remedy under the conditions laid down in the Insolvency Regulation : and under those conditions he has no right to preference in the distribution of the Insolvent's assets; and *a fortiori*, therefore, he cannot affect the position of a secured creditor, which the appellant in the case is. It follows that it is not open to the attaching creditors in the case to claim in these insolvency proceedings that the hypothecation in question is void as against them.

Under Sec. 30 of the Insolvency Regulation, a secured creditor is allowed the option of following one of the three courses, and in these insolvency proceedings the hypothecatee must be allowed his choice as a secured creditor.

Obtaining the leave of the Court for filing a suit is a matter between the Court and the receiver and the official receiver prosecutes a suit at his own risk in the matter of costs and cannot charge them on the insolvent's estate if he loses.

The decision in 10 T. L. J., 146 only held that the hypothecation bond was not obnoxious to the provisions of Sec. 36 of the Insolvency Regulation ; and that decision does not deprive the parties interested of other remedies against the deed as they may have under the law.

The decision of the lower court relegating the appellant to the category of unsecured creditors and allowing preference to the attaching creditors and others entitled to rateable distribution under the provisions of the Civil Procedure Code was set aside.—

38 T. L. R. *245* (12 T. L. J. *870*).

Ref.—42 T. L. R., 279.

4. The pay of a person, attached in execution of a decree, after he had filed an insolvency petition but before adjudication, cannot be applied towards the discharge of of the decree debt. Such money vests in the Insolvency Court and must abide by the orders that may be passed by that Court in the Insolvency proceedings.

Clauses (4) and (6) must be read together. Clause 6 clearly shows that the rule in regard to vesting laid down by Clause (4) should also

17. If, in any case in which an order of adjudication has been made, it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor and that the property of the debtor can be more conveniently distributed by such other Court, the Court may rescind the order of adjudication and stay all proceedings or dismiss the petition on such terms (if any) as the Court thinks fit.

Power to cancel one of concurrent orders of adjudication.

18. (1) The Court may, at the time of the order of adjudication, or at any time afterwards, appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver.

Appointment of receiver.

---

apply for the period between the date of presentation of the petition and the order of adjudication.—

38 T. L. R., *83* (11 **T. L. J.,** *601*).

5. The insolvent had executed a sale deed on 10-3-'93. Petition in insolvency was presented on 16-2-'94 and the order of adjudication was made on 24-3-'95. It was contended that, as the sale deed was executed more than two years before the date of the order of adjudication, the Court had no jurisdiction to annul the sale deed. *Held.* —The sale deed could be annulled under Sec. 35 of the Insolvency Regulation.

The adjudication referred to in Sec. 35 of the Regulation should be treated as made, not on the actual date of the order of adjudication, but on the date of the presentation of the petition in which the insolvency originated by virtue of Sec. 16 (6). The words 'the transferor is adjudged insolvent' in Sec. 35 mean 'the adjudication of insolvency against the transferor takes effect' and not 'the order adjudicating that the transferor is insolvent is passed.'—

14 T. L. J., *92*.

Fol.—42 T. L. R., 279.

6. The words 'date of the order of adjudication' used in Sec. 33 of the Regulation cannot be construed to mean 'date of the presentation of the petition of insolvency to which the order of adjudication relates back by virtue of Sec. 16 (6)'. 'The date of the order of adjudication' grammatically interpreted is nothing more or less than 'the date *on which* the order of adjudication is made.' Sec. 33 contains a specific provision which must limit and control the general provision laid down by Sec. 16 (6). The latter provision only fixes the time to which the operation of the order of adjudication should relate back, while in Sec. 33 (1) prominence is given to the time when the order is actually made.

Therefore, 'the date of the order of adjudication' referred to in Sec. 33 (1) is the date on which the order of adjudication is actually made, and not the date to which the order of adjudication relates back by virtue of Sec. 16 (6) (F. B.).—

42 T. L. R., *279* (16 **T. L. J.,** *158*).

7. See under Sec. 5—**35 T. L. R.,** *39*.
" " 6.—**34 T. L. R.,** *169*.
" " 14.—**10 T. L. J.,** *189*.
" " 15.—**38 T. L. R.,** *161*.
" Vol. I, P. 339.—**39 T L R.,** *164*.
" " II, P. 871.—**14 T. L. J.,** *687*.

Sec. 17: Sec. 36 of Act V of 1920 is:—"If, in any case,......by such other Court, the Court may *annul the adjudication or stay all proceedings thereon.*"

Sec. 18 : In Sec. 56 of the Indian Act, there is a new Sub-section (5) which is as follows:—"(5) The provisions of this Section shall apply, so far as may be, to interim receivers appointed under Section 20."

(2) Subject to such conditions as may be prescribed, the Court may—

(a) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(b) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is, from the possession or custody thereof:

Provided that nothing in this Section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(4) Where a receiver appointed under this Section—

(a) fails to submit his accounts at such periods and in such form as the Court directs, or

(b) fails to pay the balance due from him thereon as the Court directs, or

(c) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

Power to appoint Official Receivers.

19. (1) Our Government may appoint such persons as it thinks fit (to be called "Official Receivers") to be receivers under this Regulation within such local limits as it may prescribe.

Case Law.

Sec. 18, Sub-section (3), of the Regulation authorises the Insolvency Court to remove the person in whose possession or custody the properties of the insolvent are, from such possession or custody. The Court has power to inquire whether property in the possession of a third party and alleged by the receiver to be the property of the insolvent is really so or not, and if it finds that such property is the property of the insolvent, to order its delivery to the receiver, where, an insolvent, in order to save his property from his creditors had executed fictitious sale deeds thereof in favour of relations, but never gave and never intended to give the so-called purchasers, possession.

The receiver need not institute a separate suit for this purpose.— 16. T. L. J., 661.

(2) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Regulation, he shall be the receiver for the purpose of every order appointing a receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(3) Any sum payable under Section 18, Sub-section (2), Clause (*b*), in respect of the services of an Official Receiver shall be credited to such fund as Our Government may direct.

(4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as Our Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Duties and powers of receiver.

20. Subject to the provisions of this Regulation, the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(*a*) sell all or any part of the property of the insolvent:

(*b*) give receipts for any money received by him;

and may, by leave of the Court, do all or any of the following things, namely:—

(*c*) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(*d*) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(*e*) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(*f*) accept as consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit;

(*g*) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(*h*) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon;

(*i*) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Appeal to Court against receiver.

21. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of and make such order as it thinks just:

Provided that no application under this Section shall be entertained after the expiration of thirty days from the date of the order or decision complained of.

Powers of Court if no receiver appointed.

22. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Regulation.

Schedule of creditors.

23. (1) All persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Regulation shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and the amount of such debts, respectively, and shall frame a schedule of such persons and debts.

Sec. 21: The original Bill allowed only 21 days as in the Indian Act, but the Select Committee thought it desirable to allow 30 days and provided for the same.

Sec. 23: Sub-sec. (1) of Sec. 33 of the Indian Act begins thus: "(1) When an order of adjudication has been made under thes Act, all persons, alleging, &c." The Sub-section has the following Proviso:—"Provided that if, in opinion of the Court, the value of any debt is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt shall not be included in the Schedule."

Sec. 24 of Act III of 1907 has the same Proviso. In both these Acts, the Proviso appears in the same place *i. e.*, under Sub-sec (1) of the Section dealing with "Schedule of creditors." The original Bill (of the Regulation) embodied the Proviso in the same place, *i. e.*, in the corresponding Sub-sec. (1) of Sec. 23. But the Select Committee removed it from this Section and added it, slightly altered, to Sec. 27 as Sub-sec. (3).—See Note under Sec. 27.

Sub-sec. (3) in the Act of 1920 runs thus:—"Any creditor of the insolvent...........after causing notice to be served on the insolvent

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Regulation, and not entered in the schedule, and the Court, after causing notice to be served on the insolvent and the other creditors and hearing their objection (if any) shall comply with or reject the application.

Mode of proof.

24. (1) A debt may be proved under this Regulation by delivering, or sending by Post or Anchal in a registered letter, to the Court an affidavit verifying the debt.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

Disallowance and reduction of entries in schedule.

25. (1) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt.

(2) The Court may also, after like inquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed or where the receiver declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

Composition and schemes of arrangement.

26. (1) Where a debtor, whether before or after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal and shall issue a

---

and the other creditors *who have proved their debts*, and hearing their objection......or reject the application." In the Notes on Clauses, it is stated that the amendment (the italicised words) "is designed to obviate the necessity of sending notices to creditors who have not yet proved their debts and thus to shorten the proceedings."—

India Gazette dated 7-9-1918, Pt. V.

Sec. 26 (1): (1) Sec. 38 (1) of the Act of 1920 runs thus :—

"Where a debtor after the making of an order of adjudication, &c." The words "whether before or" occurring in the Section of the Regulation before the word "after" were in Act III of 1907 and were adopted therefrom. The later Act of 1920 has omitted these words. The reason for

notice to all creditors by publication in Our Government Gazette and in such other manner as may be prescribed.

(2) If, on the consideration of the proposal, a majority in number and three-fourths in value of all the creditors whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(4) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed, and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than ten chuckrams in the rupee on all the unsecured debts provable against the debtor's estate.

(6) In any other case, the Court may either approve or refuse to approve the proposal.

(7) If the Court approves the proposal, the terms shall be embodied in an order of the Court and the Court shall frame a schedule in accordance with the provisions of Section 23, the order of adjudication (if any) shall be annulled, and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as it relates to any debts entered therein.

---

the omission is thus given in the Notes on Clauses :—"Both Sec. 16 (1) and Sec 27 (of Act III of 1907=Secs. 16 (1) and 26 of the Regulation respectively) contemplate the possibility of a composition or scheme *before* adjudication. The Presidency Towns Insolvency Act in Sec. 28, on the other hand, only contemplates a composition *after* adjudication. Under the English law, a composition can be made (1) after the receiving order and prior to adjudication, or (2) after adjudication. But under the Indian law there is no receiving order procedure at all, and the order of adjudication is made on the hearing of the petition. It is very doubtful whether, under the Provincial Insolvency Act, the Court would have before it the necessary facts to justify it in dealing with compositions or schemes prior to adjudication. It is therefore proposed to follow in this respect the procedure under the Presidency Towns Insolvency Act and allow

(8) If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is adjudged insolvent under this Sub-section, all debts provable in other respects which have been contracted before the date of such adjudication shall be provable in the insolvency.

(9) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

Debts provable under this Regulation.

27. (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or breach of trust shall not be provable under this Regulation.

(2) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Regulation.

---

compositions and schemes only *after* adjudication." This is effected by the omission of the words "whether before or" in Sub-sec. (1) and the words "(if any)" in Sub-sec. 7."

India Gazette dated 7-9-1918, Pt. V.

(2) The wording at the end of Sub-sec. (1) is:—"and shall issue a notice to all creditors in such manner as may be prescribed." For reason, see Note under Sec. 12.

Sec. 26 (7): This is Sec. 39 in the Act of 1920 and it runs thus:—

"If the Court approves............the order of *adjudication shall be annulled, and the provisions of Section 37 shall apply*, and the composition or scheme......entered therein."

For the omission of the words "(if any)" after "adjudication," see Note above.

Sec. 26 (8): For the word "adjudge," the 1920 Act has "re-adjudge," and for the word "adjudication", the word "re-adjudication." Cf. Sub sec. (7).

Case Law.

See under Sec. 15.—38 T. L. R., *261*.

Sec. 27: (1) Sub-sec (1) in this Section is Sub sec. (2) in Section 28 of Act III of 1907 and Sub-sec. (2) is Sub-sec. (1). That Act has no other Sub-section. In the original Bill, the Section and the arrangement of the Sub-sections of the 1907 Act were adopted. The Select Committee changed the order They said :—

"The Section is taken from the English Bankruptcy Act, 1883, Sec. 37. In the English Act, Sub-sec. (2) comes first, and Sub-sec. (1) is Sub-sec. (3) in the Act. The

(3) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Regulation, be deemed to be a debt not provable under this Regulation

Debt payable at a future time.

28. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

English Act reads better, and Sec. 27 of the draft Bill has therefore been modified on the lines of the English Act. The Proviso to Sec. 23, Sub-sec. (1), of the draft Bill has been added as Sub-sec. 3, which corresponds in language to Clause (6) of Sec. 37 of the English Act."— *S. C. R.*

See Note under Sec. 23 *Supra.*

(2) In the 1920 Act (Sec. 34) the arrangement of Sub-secs. (1) and (2) is the same as in the Regulation. Sub-sec. (1) in this Act runs thus :—" (1) *Debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated and* demands in the nature............."

The italicised words were put in by the Select Committee. They said :—"In view of Clause 44 (2), it has become necessary to provide that debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated shall not be debts provable under the Act, and we have provided accordingly."

—*India Gazette dated 24-2-1920, Pt. III.*

See Note under Sec. 44 *Infra.*

Case Law.

1. In O. S. No. 32 of 1096, a decree was passed against the appellant for maintenance past and future due to the plaintiffs. The decree allowed the amount to be recovered from the appellant and the Tarwad properties. The suit for maintenance was filed on 19-3-1096 and decreed on 18-7-1098. The appellant filed an insolvency application on 7-4-1094 and he was adjudged an insolvent on 26-3-1096. The first defendant (appellant) put in a petition to exempt him from personal liability on the ground that he was declared an insolvent. The question for decision was whether the decree-debt was provable under the Insolvency Regulation and whether the appellant was entitled to be exempted from personal liability. *Held.*—Tht debt in question is not provable and the appellant cannot get protection from personal liability.

In the first place, the greater part of the debt was incurred after the date of the adjudication. Sec. 27 (2) shows that it applies to debts incurred before the date of the adjudication or debt incurred subsequently by reason of obligation incurred before such date. This is a recurring debt occasioned by his continued neglect to maintain the plaintiffs out of the profits of the Tarwad properties which he continues to enjoy. The first defendant's liability may cease on his removal from Karanavanship or on partition of the Tarwad properties or on his allotting properties for the plaintiffs' maintenance. The Karanavan is in possession not under a contract or as a trustee; he is in possession of the Tarwad properties because of his status as Karanavan, and his liability comes under the provisions of Sub-sec. (1) of Sec. 27 of the Regulation.

40 T. L. R., *209* (14 T. L. J., *360*).

2. See under Sec. 6.— 17 T. L. J., *88.*
" Vol. I, P. 339.—39 T. L. R., *154.*

29. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Regulation, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set-off against any sum due from the other party, and the balance of the account and no more, shall be claimed or paid on either side, respectively.

Mutual dealings and set off.

30. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

Secured creditors.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the

Sec. 29 : Case Law.

One G. K., who had started a chitty scheme, was adjudicated an insolvent, and the plaintiff was appointed receiver in insolvency. The defendant, who was a subscriber to the chitty, had obtained a prize in respect of one-half of her ticket at the 5th drawing. On the allegation that the defendant had defaulted to pay the subscriptions from the 6th drawing, the plaintiff as receiver brought the suit to recover in a lump the future subscriptions due in respect of the prized half-ticket. The defendant claimed that she had the right under Sec. 29 of the Insolvency Regulation to set off the amount of the paid-up subscriptions in respect of her unprized half-ticket against the amount due from her on her prized half-ticket. The lower Court disallowed the claim for set-off as unsustainable. The defendant appealed to the High Court. It was admitted before the High Court that, when the suit was disposed of by the lower Court, no application had been made by the defendant under the provisions of the Insolvency Regulation for proof of the debt alleged to be due to her from the insolvent.

Held (by the Full Bench, to which the appeal was referred for disposal by a Division Bench).—It was not necessary to decide at that stage whether the statutory right of set-off allowed by Sec. 29 of the Insolvency Regulation was or was not available to the defendant. Assuming that the right was available to the defendant, it was essential for claiming that right that the defendant should be 'a creditor proving or claiming to prove a debt under the Regulation.' When the suit was before the lower Court, the defendant had not satisfied this condition. No doubt, a creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under the Regulation and not entered in the schedule (Sec. 23, 3). But he must prove or claim to prove for a debt before he can invoke the aid of Sec. 29 in his favour. That the defendant had not done when the lower Court disposed of the suit. Consequently, that Court was right in disregarding the claim for set-off that was advanced (F. B.).— 12 T. L. J., *154*.

Sec. 30 : Case Law.

See under Sec. 18.— 38 T. L. R., *245*.

value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this Section, he shall be excluded from all share in any dividend.

Interest.

31. (1) On any debt or sum certain whereon interest is not reserved or agreed for, and which is overdue when the debtor is adjudged an insolvent and which is provable under this Regulation, the creditor may prove for interest at a rate not exceeding six per centum per annum,—

(*a*) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication; or,

(*b*) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved under this Regulation includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend, be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

Priority of debts.

32. (1) In the distribution of the property of the insolvent, there shall be paid in priortiy to all other debts—

(*a*) all debts due to Our Government or to any local authority; and

---

Sec. 32 : Case Law.

The rule laid down in Section 32, para 4, of the Insolvency Regulation cannot be extended in its application so as to control rights and liabilities of parties standing in the relation of creditor and debtor when the court administers the estate of the debtor under the ordinary law (F. B.).—

37 T. L. R., *178*.

(*b*) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to insolvent during four months before the date of the presentation of the petition.

(2) The debts specified in Sub-section (1) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums of money as may be necessary for the expenses of administration or otherwise, the debts specified in Sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(4) In the case of partners, the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership prroperty; and, where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.

(5) Subject to the provisions of this Regulation, all debts entered in the Schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Restriction of rights of creditor under execution.

33. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the order of adjudication.

Sec. 33 : (1) The wording of Sub-Sec. (1) is the same as that of Section 34, in Act III of 1907. In the 1920 Act (Section 51), the wording at the end is :—" by sale or otherwise before the date of the *admission of the petition*."

As it stood in the Act of 1907, "Section 31 would not prevent the whole of the debtor's property from being sold for the benefit of an individual creditor after the filing of the petition and before the order of adjudication is made." To prevent this, it was

(2) Nothing in this Section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court executing decree as to property taken in execution.

34. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that any order of adjudication has been made against the debtor, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the costs of the execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

---

proposed in the original Bill which became Act V of 1920, to add the following to Sub-Section (1):—"and before he had notice of the presentation of any insolvency petition by or against the debtor." This brought the Section into line with Section 53 of the Presidency Towns Insolvency Act.—

India Gazette dated 7-9-1918, Pt V.

The Select Committee proposed the existing wording. They said :—"The Clause has evoked considerable criticism particularly with reference to the difficulty of proving whether a creditor had notice of the proceedings or not. We, therefore, propose to restrict the rights of creditors under execution to assets realised before the date of admission of a petition. We provide at the same time, by a new Clause amending Section 35 of the Act, that the costs of the suit as well as of the execution shall be a first charge on property delivered by the Court under that Section to the receiver."—

India Gazette dated 27-9-1919, Pt. V.

See Note under Section 34 *Infra.*

Case Law.

1. Where the decree-holder, with the leave of the Court, became a bidder at the auction and purchased the properties himself before the judgment-debtor was adjudicated an insolvent: *Held.*—The case was one in which assets were realised in the course of execution before the date of the order of adjudication within the meaning of Section 33 (1) of the Regulation,, so that the decree-holder was entitled to the benefit of the execution against the receiver. There could be no doubt that, if the purchaser was a stranger and he paid the purchase money into Court, the sale proceeds would be money realised in the course of execution. There were no grounds for holding that, because the purchaser was the decree-holder who, instead of paying the money into Court, set it off, with the leave of the Court against the decree-debt due to him, the assets should not be deemed to have been realised. The properties were sold and the sale-proceeds were realised by being transformed into the properties themselves.

Even otherwise, Section 33 (3) fully covered the case. The decree-holder could not be said to have acted in bad faith when he exercised his lawful right to sell the properties in satisfaction of his claim, and when he, with the leave of the Court, became a bidder at the auction and purchased the properties himself (F. B.).—**16 T. L. J.**, *166.*

2. See under Sec. 16—**38 T. L. R.**, *245.*
42 T. L. R., 279.

Sec. **34**: Section 52 of Act V of 1920 corresponding to Section 35 of Act III of 1907 is as follows :—

35 Any transfer of property not being—

Avoidance of voluntary transfer.

(i) a transfer made before, or at, and in consideration of, marriage,

(ii) or a transfer made to, or for, the wife or children of the transferor of property that has accrued to the transferor in consideration of the marriage or in right of his wife,

(iii) or a transfer made in favour of a purchaser or incumbrancer in good faith and for valuable consideration,

shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be void against the receiver, and may be annulled by the Court.

"Where execution of a decree......to the Court executing the decree that an *insolvency petition by or against the debtor has been admitted*, the Court shall......delivered to the receiver; but the costs *of the suit in which the decree was made and* of the execution......satisfying the charge."

See Note under Section 33 *Supra*.

Sec. 35: (1) In Act III of 1907, the corresponding Sec. (36) was as follows:—

"Any transfer of property not being a transfer made before and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be void against the receiver and may be annulled by the Court."

The above has been adopted as Sec 53 of the later Act of 1920, with the following alteration:—"Any transfer......after the date of the transfer, be *voidable* as against the receiver and may be annulled by the Court." It was the Select Committee that proposed the alteration. They said:—"It is settled law that the word 'void' in Sec. 56 of the present Act means 'voidable' only, and we have made this clear".—

India Gazette dated 24-2-1920, Pt. III.

(2) The original Bill reproduced Sec. 36 of the 1907 Act, as given above. But the Select Committee proposed instead the Section as it now stands in the Regulation. They said:—"In declaring void transfers made within two years of the adjudication of insolvency, some exceptions are made. The first exception is about transfers made *before and in consideration of marriage*. In this, the Section follows Section 26 of the Provincial Insolvancy Act and Section 47 of the English Bankruptcy Act. The transfers or settlements contemplated in those Acts are obviously settlements by husbands on wives *in view of* marriage. It may be doubted if such settlements are common or even known in Travancore. On the other hand, settlements or transfers are ordinarily made in Travancore *at* the marriage, by the bride's people in favour of the bridegroom. With a view to protect such transfers, the words 'or at' are inserted between 'before' and 'and' in the third line.

"In the English Act, another exception is made in the case of transfers made to wife or children of properties that have accrued to the transferor *in right of* his wife. This provision seems to be a wholesome one, as the property acquired in right of one's wife should naturally go to his wife or children. For the reasons stated already, the properties transferred to the husband *at* the time of marriage and which *subsequently* are transferred by him to the wife require the same protection. The English Act on the subject has therefore been modified to suit local conditions."— *S. C. R.*

Case Law.

See under Sec. 16.— 14 T. L. J., 92.

...ANDRUM PUBLIC LIBRARY

36. (1) Every transfer of property or of any interest therein, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money, in favour of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

Avoidance of preferenoe in certain cases.

(2) This Section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through, or under a creditor of, the insolvent.

Sec. 36 : The words "of any interest therein" do not occur in the 1920 Indian Act, in view of the definition of "transfer of property" given in that Act. See Note under Sec. 2 (e) *Supra.*

Case Law.

1. Before a transfer by a debtor of any interest in his property is avoided under Sec. 36 (1) of the Regulation, four conditions must be fulfilled, namely :—

(1) The debtor must, at the date of the transaction, be unable to pay from his own money his debts as they fall due.

(2) The transaction must be in favour of a creditor or of some person in trust for a creditor.

(3) The debtor must have acted with the view of giving such creditor a preference over his other creditors.

(4) The debtor must be adjudged an insolvent on an insolvency petition presented within three months after the date of the transaction sought to be impeached.—

8 T. L. J., *309.*

2. *Per the Chief Justice and Cheriyan, J.* (*Sesha Aiyar, J. dissenting*).—A surety of an insolvent debtor is a creditor within the meaning of Sec. 36 of the Regulation, although he has not discharged the debt guaranteed by him.

A hypothecation executed by a debtor within three months of the petition on which he is afterwards adjudged an insolvent under the Regulation, in favour of a person who has become his surety but has not discharged his debt, is a transfer of an interest in favour of a creditor within the meaning and scope of Sec. 36 and as such, is liable to be annulled as a preference obnoxious to the Regulation.

Per Sesha Aiyar, J.—A surety of an insolvent debtor who has not discharged the debt guaranteed by him and is not consequently subrogated to the rights of the creditor is not a creditor within the meaning of the expression in Sec. 36 of the Regulation. Sec. 36 applies only to those between whom the relationship of debtor and creditor, strictly so called, exists.

Per Cheriyan and Sesha Aiyar, JJ.— A transaction may be set aside as a fraudulent preference only if it is proved that the debtor carried it out with the view of giving the particular creditor preference over the other creditors. If the facts of the case indicate that there existed in the mind of the debtor the intention to give a preference, then it will not suffice for the creditor to prove that the debtor was moved by a mere sense of honor or a sense of duty or a sense of moral obligation or that he acted from motives of kindness or of gratitude. In every case, the state of the mind of the

Protection of *bona fide* transactions.

37. Subject to the foregoing provisions of this Regulation with respect to the effect of insolvency on an execution and with respect to the avoidance of certain transfers and preferences, nothing in this Regulation shall invalidate in the case of an insolvency—

(*a*) any payment by the insolvent to any of his creditors;

(*b*) any payment or delivery to the insolvent;

(*c*) any transfer by the insolvent for valuable consideration;

(*d*) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication.

Dividends.

38. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet—

(*a*) debts provable under this Regulation and appearing, from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;

(*b*) debts provable under this Regulation being the subject of claims not yet determined;

(*c*) disputed proofs or claims; and

(*d*) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of Sub-section (1), all money in hand shall be distributed as dividends.

---

debtor is the paramount consideration, and the onus of proof lies on the receiver to show that the debtor made the transfer with the view of preferring a creditor.

If the transaction can properly be referred to some other motive than that of giving the particular creditor an advantage over the other creditors, it is not a fraudulent preference.

The use of the word 'preference' implies an act of free-will, so that there can be no preference where the act is the result of pressure—36 T. L. R., 27 (10 T. L. J., *146*).

Ref.—39 T. L. R. 317.

3. See under Sec. 16—38 T. L. R., *846*.

Sec. 37: The proviso in Sec. 55 of the 1920 Act runs thus:— "Provided that any such transaction takes place before the date of the order of adjudication, *and that the person with whom such transaction takes place has not at the time notice of the presentation of any insolvency petition by or against the debtor.*" This amendment brings the Section into line with Sec 57 of the Presidency Towns Insolvency Act of 1909.

(3) Any creditor who has not proved his debt before the declaration of any dividend or dividends, shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

(4) When the receiver has realised all the property of the insolvent or so much thereof as can in the opinion of the Court be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing, he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that, if they do not prove their claims within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court on application by any such claimant grants him further time, for establishing his claim, then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the Schedule without regard to the claims of any other persons.

(5) No suit for a dividend shall lie against the receiver; but, where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

Management by and allowance to insolvent.

39. (1) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct.

(2) The Court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determined by the Court.

Right of insolvent to surplus.

40. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors with interest as provided by this Regulation, and of the expenses of the proceedings taken thereunder.

41. (1) Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, or where a composition or scheme has been approved by the Court under Section 26, the Court shall, on the application of the debtor or of any other person interested, by order in writing, annul the adjudication.

Power to annul adjudication of insolvency.

(2) Where an adjudication is annulled under Sub-section (1), all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

(3) Notice of every order annulling an adjudication shall be notified in Our Government Gazette and in such other manner as may be prescribed.

42. (1) Every debtor, whether before or after the making of an order of adjudication, shall produce all books of account, give such inventories of his property and such lists of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally give such aid in the realisation of his property and the distribution of the proceeds amongst his creditors, as may be required by the Court or receiver, or as may be prescribed.

Duties of debtors.

(2) If a debtor, whether before or after the making of an order of adjudication,

---

Sec. 41 (1) : The words—" or where a composition or scheme......under Sec. 26 "- do not occur in the corresponding Section 35 of the 1920 Act. They were in the Act of 1907.

Sec. 42 (1) Sec. 22 of Act V of 1920 which is put in place of this Sub-section is as follows :— " The debtor shall, *on the making of an order admitting the petition*, produce all books of account *and shall at any time thereafter* give such inventories...... instruments and generally *do all such acts and things in relation to his property* as may be required by the Court or receiver, or as may be prescribed. "

The Notes on Clauses say :— " Apparently the duties imposed on the debtor by Sub-sec. (1) of Sec. 43 arise as soon as the Court has made an order under Sec. 12 (1). It seems desirable to make this clear. "—

India Gazette dated 7-9-1918, Pt. V.

Sec. 42 (2) : (1) Sub-sec. (2) of Sec. 43 of Act III of 1907 was as follows :— " (2) If a debtor, whether before or after...... (c)

(a) wilfully makes false entries in the inventories or lists referred to in Sub-section (1), or

(b) fraudulently or vexatiously conceals, destroys, transfers, removes or refuses to produce any property or books of account, or

(c) commits any other act of bad faith in the performance of the duties imposed on him by this Section,

he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court and the Court may by order in writing sentence him to simple imprisonment for a term which may extend to three months. In every such case, the Court shall record the facts constituting the offence, with the statement, if any, made by the debtor.

---

commits any other act......imposed on him by this section, *the Court may sentence him, by order in writing, to simple imprisonment for a term which may extend to one year; and in every such case the Court shall record the facts constituting the offence with the statement (if any) made by the debtor.*"

The original Bill adopted the above Sub-section *in toto*. The Select Committee, in reporting on the Bill, omitted the words italicised above and substituted the existing para. They said :— "This Section is Sec. 43 of the British Indian Act and Sec. 24 of the English Bankruptcy Act. The punishment provided for by Sub-sec. (2) is simple imprisonment for a term which may extend to one year. As the acts complained of may constitute offences under any other law in force in Travancore, a doubt may naturally arise whether the offender should be punished under Sec. 42 or under any other law in force. To avoid this, the English Act provides the punishment *in addition to any* other punishment to which he may be subject. Further, the breach of duty imposed by the Section is considered a contempt of Court and is only punishable accordingly. The maximum punishment provided for by Sec. 359 of the Criminal Procedure Code for contempt is only three months."— *S. C. R.*

(2) In Act V of 1920, this Sub-section is omitted. The following new Section 69 appears under "Penalties". Two more new Sections follow Sec. 69 under the same heading, and these are also given below, as all the three Sections run together.

New Sections :

"69. If a debtor, whether before or after the making of an order of adjudication,—

(a) wilfully fails to perform the duties imposed on him by Section 22 or to deliver up possession of any part of his property which is divisible among his creditors under this Act, and which is for the time being in his possession or under his control to the Court or to any person authorised by the Court to take possession of it, or

(b) fraudulently with intent to conceal the state of his affairs or to defeat the objects of this Act,—

(i) has destroyed or otherwise wilfully prevented or purposely withheld the production of any document relating to such of his affairs as are subject to investigation under this Act, or

(ii) has kept or caused to be kept false books, or

(iii) has made false entries in or withheld entries from or wilfully altered or falsified any document relating to such of his affairs as are subject to investigation under this Act, or

(c) fraudulently with intent to diminish the sum to be divided among his creditors

or to give an undue preference to any of his creditors,—

(i) has discharged or concealed any debt due to or from him, or

(ii) has made away with, charged, mortgaged or concealed any part of his property of any kind whatever,

he shall be punishable on conviction by the Court with imprisonment which may extend to one year."

"70. (1) Where the Court is satisfied that there is ground for enquiring into any offence referred to in Sec. 69, the Court shall direct that a notice be served on the debtor in the manner prescribed by the Code of Criminal Procedure, 1898, for service of a summons, calling on him to show cause why a charge or charges should not be framed against him.

(2) The notice shall set forth the substance of the offence, and any number of offences may be set forth in the same notice.

(3) At the hearing of such notice and of any charge framed in pursuance thereof, the Court shall, so far as may be, follow the procedure for the trial of warrant cases by Magistrates prescribed by Chapter XXI of the Code of Criminal Procedure, 1898, and nothing in Chapter XXIII of the said Code relating to trials before High Courts and Courts of Session shall be applicable to such trial.

(4) Any number of offences under this Section may be charged at the same time: Provided that no debtor shall be sentenced to imprisonment exceeding an aggregate period of two years for offences under this Section committed in the course of the same insolvency proceeding.

(5) The Court may, instead of itself inquiring into an offence under Sec 69, make a complaint thereof in writing to the nearest Magistrate of the First Class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898:

Provided that it shall not be necessary to examine the complainant."

"71. When an insolvent has been guilty of any of the offences specified in Sec. 69, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved."

As regards the three Secs. (69, 70 and 71) given above, the Statement of Objects and Reasons says:—"6. Proceedings instituted against fraudulent debtors are frequently infructuous. This is largely due to the lack of precision in the Act as to the procedure to be adopted by the Court which desires to take action. The wording of Sub-sec (2) of Sec. 43 is unduly vague, regard being had to the fact that it constitutes a criminal offence, and experience has shown that it frequently creates difficulties. It is proposed that the penal provisions of existing Sec. 43 should be amended on the lines of Sec. 103 of the Presidency Towns Insolvency Act, and that the procedure to be followed on a charge should be defined on the lines of Sec. 104 of that Act. It is proposed to embody these provisions is two separate Sections by Clause 19 of the Bill, which also inserts a new Section containing provisions similar to those of Sec. 105 of the Presidency Towns Insolvency Act. It seems desirable to make it clear that a dishonest insolvent who has been guilty of an offence under the Act can be proceeded against even after he has obtained his discharge, or a composition submitted by him has been accepted."—

India Gazette dated 7-9-1918, Pt. V.

(3) Under the head 'Penalties,' Act V of 1920 has five Sections in all, of which three (69, 70 and 71) have been given above. Sec. 72 which follows renders an undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent, liable to imprisonment up to six months, or fine, or both. The Section also details the procedure to be followed in such cases. This Sec. (72) reproduces Sec. 53 of Act III of 1907.

43. (1) A debtor may, at any time after the order of adjudication, apply to the Court for an order of discharge; and the Court shall fix a day, notice whereof shall be given by publication in Our Government Gazette and in such other manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

Discharge.

In the original Bill which became Regulation VIII of 1090, Sec. 53 of the 1907 Act had been inserted. But the Select Committee omitted it. They said :—"The Section requires that the insolvent should inform the creditor that he is an undischarged insolvent. If he fails to do so, he is liable to be punished by a Magistrate. If the debtor fails to give the information and if however, the creditor knows that the debtor is an undischarged insolvent, there is no reason why the debtor should be punished. It is desirable to exclude such cases from the operation of the penal clause. If the debtor's act amounts to cheating, no special provision is necessary. If, however, his act will not amount to cheating, the debtor should not be punished, as it is equally the duty of the creditor to make the necessary enquiry about the debtor. For the above reasons, we have thought it safe to omit the clause altogether." — *S. C. R.*

It may be noted here that an Official Member of the Committee dissented from this view. When the Bill, as amended by the Select Committee, was considered by the Council, the Member moved the insertion of the Section omitted by the Committee. A Non-official Member pointed out that "the penal provision was unnecessary, as it was too much to expect from undischarged insolvents that they would go about telling persons from whom they wished to obtain credit, that they were such insolvents. The Section, as it stood, would equally apply to debtors whom their creditors knew to be undischarged insolvents but who did not make the representation themselves, and it was undesirable to make such omission penal." The motion was put to vote and lost.—

L. C. P., dated 10–6–1914.

(4) The last Sec. (73) under the heading 'Penalties' is new and deals with the disqualifications of an insolvent from being appointed as a Magistrate or elected to any office of any local authority or elected or sitting or voting as member of any local authority, and also gives the conditions under which the disqualification may be removed. The reason for inserting such provisions is thus explained in the Notes on Clauses :—"Under the Indian law no statutory disabilities attach to an undischarged insolvent. It is doubtful whether public opinion in this country is at present inclined to attach much disgrace to a person in this position, but it appears desirable that the sense of the community should be stimulated by providing certain statutory disqualifications in addition to those already imposed, *e. g.*, by the Regulations relating to members of the Legislative Council. A parallel provision is to be found in Sec. 32 of the Bankruptcy Act, 1883 (46 & 47 Vict., C. 52)."—

India Gazette dated 7–9–1918, Pt. V.

Sec. 43 : (1) Sub-sec. (1) of Sec. 41 of Act V of 1920 runs thus :

41. A debtor may, at any time after the order of adjudication *and shall, within the period specified by the Court,* apply to the Court......fix a day, notice whereof shall be given *in such manner as may be prescribed,* for hearing.........

See Note (2) under Sec. 6 (3) *Supra.*

(2) Sub-secs. (3), (4) and (5) are the same as Sub-secs. (1), (2) and (3) of Sec. 42 of Act V of 1920.

New Section : After Sec. 42 in the 1920 Act, the following Section occurs :—" *43. (1)* If the debtor does not appear on the day

(2) Subject to the provisions of this Section, the Court may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver,—

(*a*) grant or refuse an absolute order of discharge; or

(*b*) suspend the operation of the order for a specified time; or

(*c*) grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property.

(3) The Court shall refuse to grant an absolute order of discharge on proof of any of the following facts, namely:—

(*a*) that the insolvent's assets are not of a value equal to fourteen chuckrams in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to fourteen chuckrams in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(*b*) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

---

fixed for hearing his application for discharge or on such subsequent day as the Court may direct, or if the debtor does not apply for an order of discharge within the period specified by the Court, the order of adjudication shall be annulled, and the provisions of Sec. 37 shall apply accordingly.

(2) Where a debtor has been released from custody under the provisions of this Act and the order of adjudication is annulled under Sub-sec. (1), the Court may, if it thinks fit, re-commit the debtor to his former custody, and the Officer in charge of the prison to whose custody such debtor is so re-committed shall receive such debtor into his custody according to such re-commitment, and thereupon all processes which were in force against the person of such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if no order of adjudication had been made."

Case Law.

See under Sec. 5.— **16 T. L. J.** *357.*

„ „ 6.— **34 T. L. R.** *169.*

(c) that the insolvent has continued to trade after knowing himself to be insolvent;

(d) that the insolvent has contracted any debt provable under this Regulation without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(f) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;

(g) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(h) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(i) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(4) For the purposes of this Section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein.

(5) The powers of suspending, and of attaching conditions to, an insolvent's discharge, may be exercised concurrently.

Effect of order of discharge.

44. (1) An order of discharge shall not release the insolvent from—

(a) any debt due to Our Government;

Sec. 44: In the 1920 Act, the following new Clause has been added to Sub-sec. (1)—"*(d) any liability under an order for maintenance made under Section 488 of the Code of Criminal Procedure, 1898.*"

In the Notes on Clauses, it is stated:—"The effect of existing Sec. 45 is to release a discharged insolvent from liability under an order of maintenance made under Sec. 488 of the Code of Criminal Procedure, 1898,

(b) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party; or

(c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party.

(2) Save as otherwise provided by Sub-section (1), an order of discharge shall release the insolvent from all debts provable under this Regulation.

(3) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound, or had made any joint contract with him or any person who was surety for him.

---

and in this respect the Section is in conflict with Sec. 45 of the Presidency Towns Insolvency Act. It is proposed to bring it into accord with the latter Act."—

India Gazette dated 7-9-1918, Part V.

(2) In Sub-sec. (2) of Sec. 45 of Act III of 1907, the words at the end are—"from all debts *entered in the schedule.*" This was the wording adopted in the original Bill. But the Select Committee substituted the words—"provable under the Regulation."

They said:—Sec. 44, Sub-sec. (2), gives protection to the insolvent only from debts entered in the Schedule. Under Sec. 23, only such debts as are proved are entered in the schedule. Sec. 44 is Sec. 45 of the British Indian Act. The English Law (Sec. 30 of the English Bankruptcy Act) gives a complete discharge from *all* debts provable under the Act. In limiting the effect of discharge in British India to debts entered in the schedule, the Honourable Mr. Erle Richards says:—"Under the Bill as introduced, a discharge operated to free an insolvent from all debts provable in insolvency, that is to say, when once an insolvent was discharged, he would have been free from the claims of any creditor in respect of any debt provable under the Act, and that, whether the creditor had in fact had notice of the insolvency proceedings or not. That, my Lord, is the English system and it works well in England. There the area is comparatively small; and there are commercial newspapers which circulate among trading classes, so that it is perfectly easy for any creditor to ascertain the fact of insolvency proceedings having been instituted against his debtor. But in India the conditions are very different. This is a vast country, and there are no means of communicating with the trading classes such as exist in England. Insolvency proceedings might well be started at Dacca and a creditor at Peshawar might not hear of them until the proceedings were over. The local Provincial Gazettes travel no further than the territories of the Local Government which issues them, and even the Official Gazette of India has obtained no circulation sufficient for present purposes. The Select Committee have therefore proposed to restore the system of scheduling creditors and to make a discharge operate only to free a debtor from debts entered in the schedule; creditors whose names are entered in the schedule must have had distinct notice of the insolvency." (*Vide* Page 51, Abstract of the Imperial Legislative Council Proceedings for 1906-1907).

The reason alleged by the Honourable Mr. Richards for making the change does not exist in Travancore. It is not very difficult

for any creditor to know of insolvency proceedings in Travancore Courts. It is thought desirable to give a complete protection to a discharged insolvent, and the English Law on the subject has therefore been adopted."— *S. C. R.*

(3) In Sec. 44 of Act V of 1920, the expression at the end of Sub-sec. (2) is the same as in the Regulation, *viz.*, "provable under this Act." There, the Select Committee made the substitution. They observed :— "We think there is considerable force in the contention put forward by several authorities that Sec. 45 (2) of the Act as it stands gives an undue preference to those creditors from making any attempt to prove their debts. We have, therefore, provided, as in Sec. 45 of the Presidency Towns Insolvency Act, that an order of discharge shall release the insolvent from all debts provable under the Act."

India Gazette dated 27-9-1919, Part V.

Case Law.

The decree amount deposited by the surety of the judgment-debtor after the latter has been adjudicated an insolvent under the provisions of the Insolvency Regulation cannot be regarded as property or assets of the judgment-debtor so as to disentitle the decree-holder to claim the whole amount in satisfaction of his decree and to compel him to get rateable distribution in company with the other creditors of the judgment-debtor.

Per R. Viraraghava Iyengar, J.—Secs. 16, 18, 33 and 44 (3) do not seem to countenance the view that the insolvent judgment-debtor and his properties must be treated so as to include the surety and his property. That they should be treated as distinct is clear from the language of Sec. 44 (3). The decree holder, when he obtained the surety's undertaking to be liable for the judgment-debt, got an additional security for the amount due to him. He is entitled to go against the surety and to realise what he can, and, if the amount so realised falls short of the full decree amount, he has still his rights under the Regulation as against the insolvent. The fact that the surety who made the deposit, in the case, has obtained some property of the insolvent judgment-debtor as security does not make any difference.

Per P. Raman Tampi, J.—The question for decision is whether the order of the Court adjudicating the decree-debtor an insolvent has the effect of vesting in the Court or the receiver the money paid into Court by the decree-holder's surety in discharge of the obligation incurred by him. The answer must be in the negative.

The Insolvency Regulation makes it quite clear that no discharge of an insolvent shall operate so as to benefit such insolvent's surety, even though, but for such statutory provision, the latter is entitled to discharge when a creditor without his consent discharges the principal debtor. The natural consequence, therefore, would be that, in spite of the order of adjudication, vesting order and other orders made in the course of the insolvency proceedings, the decree-holder in the present instance could lawfully enforce his rights against the surety until the decree is fully satisfied by the latter. If this is the correct view of the law having regard to the proper construction of Sec. 44 (3), I am decidedly of opinion that money paid by the surety with the object of exonerating himself can by no manner of reasoning be treated as property belonging to the insolvent-debtor. To hold otherwise would lead to the manifest absurdity of smoothening the way of the insolvent in his attempt to obtain an order of discharge and of placing it beyond the power of the surety to free himself from the liability undertaken by him even if he pays the debt. Supposing, however, that the decree-holder merely keeps alive the proceedings in Court, and abstains from realising the debt due by the surety until the insolvency proceedings are finally closed. In such a case, if the surety eventually pays the money into Court, the money

45. (1) Every Court having jurisdiction in insolvency under this Regulation may review or vary any order made by it under its insolvency jurisdiction.

Review and appeal.

(2) Any person aggrieved by an order made by the District Court under the provisions of this Regulation may appeal to the High Court.

(3) The period of limitation for a review or for an appeal under this Section shall be (60) sixty days.

(4) In computing the period of limitation, the day on which the order was passed and the time requisite for obtaining a copy of order complained against, shall be excluded.

---

would not be affected by the receiver's claim inasmuch as it never could be proceeded against merely because the decree-holder has the right to enforce its payment. If so, I do not see how the money becomes the insolvent's property for no other reason than that the decree-holder has been diligent and vigilant. The true view of the matter is, it seems to me, that from the moment that the surety becomes liable, he is for all practical purposes a judgment-debtor against whom the decree-holder can enforce his rights under the decree. The decree-holder's assignee was therefore not bound to stay his hands during the pendency of the insolvency proceedings initiated by the principal debtor. The money realised by him was not the outcome of any execution taken out against the principal debtor's property.— 9 T. L. J., 8.

Sec. 45: (1) In the original Bill, there were only two provisions, Sub-secs. (2) and (3), on the lines of the 1907 Act. The Select Committee put in the other two Sub-sections. They said :—"No power to review an incorrect order is given by the draft Bill to the District Court or the High Court. The Privy Council case reported in 40 Calcutta, Page 552, is against the view that Courts have an *inherent* power to review an incorrect order. It is therefore thought desirable to a d a provision empowering the Courts to review any order passed by them. The English Bankruptcy Act has an express provision for review. Then again, the time allowed for appeal is 60 days. The Bill is a complete enactment and doubts may arise as to whether Sec. 12 of the Limitation Regulation will apply to the Insolvency Bill. In 33 Allahabad, Page 738, it has recently been held that the time requisite for obtaining copies of the order in insolvency proceedings cannot be deducted in computing the time allowed for preferring an appeal. Provision has therefore been made to remedy this defect."— *S. C. R.*

(2) In the Indian Act, the period of limitation for appeals to the High Court under this Section' is ninety days.

(3) Act V of 1920 has another Section re limitation which is as follows :—"78. (1) The provisions of Secs. 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals and applications under this Act, and for the purpose of the said Sec. 12, a decision under Sec. 4 shall be deemed to be a decree.

(2) Where an order of adjudication has been annulled under this Act, in computing the period of limitation prescribed for any suit or application for the execution of a decree (other than a suit or application in respect of which leave of the Court was obtained under Sub-sec. (2) of Sec. 28) which might have been brought or made but for the making of an order of adjudication under

46. (1) Subject to the provisions of this Regulation, the District Court, in regard to proceedings under this Regulation, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

General powers of Courts.

this Act, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded: Provided that nothing in this Section shall apply to a suit or application in respect of a debt provable but not proved under this Act."

Case Law.

1. (1) A person, who has become surety for the judgment-debtor during the pendency of the suit is entitled to prefer an appeal under Sec. 45 (2) of the Regulation against an order adjudicating the judgment-debtor an insolvent. The surety of an insolvent is a creditor although he has not discharged the debt guaranteed by him (26 T. L. R., 27). Generally, it is the creditor and the creditor alone who is interested in objecting to the application of a debtor to be declared an insolvent. The appellant is a person aggrieved and is entitled to file the the appeal.

(2) Where three joint debtors petitioned jointly for adjudication that they are insolvent and only one of them was examined, the non-examination of the others is not a sufficient ground for the cancellation of the adjudication.

Sec. 14 (2) says that the Court shall examine the debtor if he is present. The purpose of the examination of the debtor is to get information about his affairs and the cause of his failure. Even after adjudication, it is the duty of the debtor to give all information called for and to submit to such examination in respect of the property and his creditors.

(3) Joint decree-debtors may present a joint person to be adjudged insolvents and Sec. 8 does not prohibit this. Sec. 8 provides for consolidation of two or more petitions filed against the same debtor or joint-debtors and it is intended to save public time, minimise expenses and to avoid multiplicity of proceedings.

(4) The failure to give a schedule of the judgment-debtor's assets as required by Sec. 11 (c) is fatal to the petition of the judgment-debtor. It cannot be said that every trivial mistake in the schedule will have the same consequence.—

39 T. L. R., 317 (13 T. L. J., 128).

2. An appeal was preferred by an insolvent against the order of the District Judge dismissing his application to set aside a sale effected by the Official receiver, of his properties. The ground of dismissal was that the application was barred by limitation as the auction-purchaser was impleaded only about a year after the date of the sale. *Held.*—(1) An adjudicated insolvent is a 'person aggrieved' within the meaning of the term as used in Sec. 45 (2) of the Insolvency Regulation, and is entitled to appeal against the order admitting a person as creditor.

Under Sec. 40 of the Regulation, an insolvent will eventually be entitled to any surplus remaining after payment in full of his creditors. If the property sold by the Official receiver fetched only an inadequate price, the insolvent will eventually be prejudiced. The insolvent has certainly an interest in the surplus arising after distribution of the sale proceeds amongst his creditors.

(2) The period prescribed by Sec. 21 of the Regulation to make an application under that Section is 30 days from the date of the order or decision complained of. The auction-purchaser is a necessary party to the proceedings and as he was brought on the record long after the expiry of the period prescribed under Sec. 21, the application should be held to be time-barred.

48. The costs of any proceeding under this Regulation, including the costs of maintaining a debtor in the Civil prison shall, subject to any Rules made under this Regulation, be in the discretion of the Court in which the proceeding is had.

Costs.

49. All Courts having jurisdiction in insolvency and the Officers of such Courts respectively shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Courts to be auxiliary to each other.

50. (1) The High Court may, with the previous sanction of Our Government, make Rules for carrying into effect the provisions of this Regulation

Power to make Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide—

(a) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the cost of such audit,

(b) for meetings of creditors, and

(c) for the procedure to be followed in the case of estates to be administered in a summary manner.

(3) All Rules made under this Section shall be published in Our Government Gazette and shall, on such publication, have effect as if enacted in this Regulation.

Sec. 50: The Indian Act of 1920 also provides for the making of Rules "for the procedure to be followed where the debtor is a firm," as in Sec. 112 (2) (o) of the Presidency Towns Insolvency Act.

The original Bill had a Section which reproduced Sec. 54 of Act III of 1907. It empowered the Government to bar applications of certain provisions to certain Courts—Secs. 15 (2) & (3), 16(3), 25 to 40, 44 (3) & (4) & 53 This was passed by the Select Committee. But the Council omitted it on the suggestion of the President who observed that "unlike British India, the conditions of the people in all parts of Travancore were, more or less, similar, and that he therefore doubted the need for such a provision in a country like Travancore."

L. C. P. dated 10-6-1914.

51. (1) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Regulation, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers, namely :—

Delegation of powers to Official Receivers.

(a) to hear insolvency petitions, to examine the debtor and to make orders of adjudication ;

(b) to frame schedules and to admit or reject proofs of creditors ;

(c) to grant orders of discharge ;

(d) to approve compositions or schemes of arrangement ;

(e) to make interim orders in any case of urgency ;

(f) to hear and determine any unopposed or *ex parte* application.

(2) Subject to the appeal to the Court provided for by Section 21, any order made or act done by the Official Receiver in the exercise of the said powers, shall be deemed the order or act of the Court.

52. (1) The enactment mentioned in the Schedule is hereby repealed to the extent specified in the fourth column thereof.

Repeals.

(2) Where, in any enactment or instrument in force at the date of the commencement of this Regulation, reference is made to Chapter XX (of Insolvent Judgment Debtors) of the Code of Civil Procedure, 1065, or to any Section of that Chapter, such reference shall, so far as may be practicable, be construed as applying to this Regulation or to the corresponding Section thereof.

Insolvency—*Other Cases.*

1. (1) The provisions of the Insolvency Regulation, which is a special Statute, do not depend for the operative force on the result of proceedings taken in respect of insolvent judgment-debtors under the Code of Civil Procedure. The restricted scope of the latter proceedings was in fact found by the Legislature to be insufficient for the purpose of giving relief to both creditors who fail to sue and obtain decrees, and debtors who without being sued and proceeded against in execution of decrees, are nevertheless unable to pay their debts.

(2) Where a debtor presents an insolvency petition, the Court is bound to make an order of adjudication if the petitioner's right to present the petition is established. Sec. 15 (1) of the Regulation leaves the Court no choice in this respect. No doubt, if a creditor is the petitioner, that Section empowers the Court to reject the petition on the ground that the right to present the

THE SCHEDULE.

Enactment Repealed.

Year.	No.	Short title.	Extent of repeal.
1065	II.	The Code of Civil Procedure.	Section 33, Clause (e) and Chapter XX (Sections 337 to 345.)

RULES.

(I)

By virtue of the provisions of Section 50 of the Insolvency Regulation (VIII of 1090) and of all other powers thereunto enabling, the High Court, with the sanction of the Government of His Highness the Maha Raja, make the following Rules for carrying into effect the provisions of the said Regulation.

(Dated 4th November 1920.) (a)

Definitions.

1. (1) In these Rules, unless there is anything repugnant in the subject or context,—

"The Regulation" means the Insolvency Regulation, VIII of 1090:

petition is not established, or that the notice contemplated by the Regulation has not been served on the debtor, or that the debtor has proved his ability to pay his debts, or that there exists some other sufficient cause to induce the Court to abstain from making an order of adjudication.— 8 T. L. J., *459.*

Ref.— 16 T. L. J., 357.

2. In the case of persons governed by Marumakkathayam Law and especially of those governed by that law as modified by the Nair Regulation, the Karanavan has no disposing power for his own benefit. There is no definite share he can alienate. The Insolvency Regulation cannot justify the receiver taking possession of Tarwad property as he cannot realise anything out of such property for the debts of the Karanavan as such.

Semble.—The creditor of the insolvent in such a case is not a person aggrieved by the order of the District Court refusing to keep the receiver in possession of or to allow him to sell Tarwad properties.

40 T. L. R., *79* (14 T. L. J., *143*).

Ref.— 40 T. L. R. 212.

3. The Insolvency Regulation, while vesting the property of the insolvent in the receiver and while forbidding any suit against the insolvent except with the permission of the Court, does not bar a suit by the insolvent.— 15 T. L. J., *375.*

(a) *T. G. G., dated 9—11—1920, Pt. IV, Judicial Dept., Pp. 882—896.*

"The Court" includes a Receiver when exercising the powers of the Court in accordance with Section 51 of the Regulation :

"Receiver" means a Receiver appointed by the Court under Section 18 (1) of the Regulation :

"Interim Receiver" means a Receiver appointed by the Court under Section 13 (2) of the Regulation :

"Proved debt" means the claim of a creditor so far as it has been admitted by the Court.

(2) Save as otherwise provided all words and expressions used in these Rules shall have the same meaning as those assigned to them in the Regulation.

Cause-title and number.
Section 6.

2. (1) Every petition, application, affidavit, or order in any proceeding under the Regulation or under these Rules shall be headed by a cause-title as in Form No. 1.

(2) Every insolvency petition shall be entered in the Register of Insolvency Petitions (Form No. 17) to be maintained in all Courts exercising insolvency jurisdiction and shall be given a serial number in that Register, and all subsequent proceedings in the same matter shall bear the same number.

Particulars in debtor's petition.
Section 11 (1).

3. The particulars to be given under Section 11 (1) of the Regulation shall be in Form No. 2.

Creditor to furnish copies of his petitions.
Section 12 (3).

4. (1) When an insolvency petition presented by a creditor is admitted, the creditor shall, within seven days thereafter, furnish a copy of the petition for service on the debtor or, if there are more debtors than one, as many copies as there are debtors and the Head Ministerial Officer of the Court shall sign the copy or copies, if on examination he finds them to be correct.

(2) The copy shall be served together with the notice of the order, fixing the date for hearing the petition on the debtor or upon the person upon whom the Court orders notice to be served.

Death of debtor before hearing of petition.
Section 10.

5. If a debtor against whom an insolvency petition has been admitted dies before the hearing of the petition, the Court may order that notice of the order fixing the date for hearing the petition shall be served on his legal representative or on such other person as the Court may think fit, in the manner provided for the service of summons.

Appointment of Receiver.
Section 18.

6. Every appointment of a Receiver shall be by order in writing signed by the Court. Copies of this order sealed with the seal of the Court should be served on the debtor and forwarded to the person appointed.

7. Every Receiver or *Interim* Receiver shall be deemed for the purpose of the Regulation and of these Rules to be an Officer of the Court.

Receiver or interim Receiver an Officer of the Court.
Sections 18, 13.

8. (1) The remuneration of Receivers other than Official Receivers shall be in such proportion to the amount of the dividends distributed as the Court may direct, provided that it does not exceed five per centum of the amount of the dividends.

Remuneration of Receivers.
Section 18 (2) (*b*).

(2) If a Receiver other than the Official Receiver has been appointed in an insolvency in which the Court makes an order approving proposal under *Section 26 (7)* of the Regulation, the remuneration to be paid to the Receiver shall be fixed by the Court and the order approving the proposal shall make provision for the payment of the remuneration and shall be subject to the payment thereof.

Section 26 (7).

9. (1) Every Receiver or *Interim* Receiver other than an Official Receiver shall be required to give such security as the Court thinks fit.

(2) The Court shall not require an Official Receiver to give security.

Security from Receiver and Interim Receiver.
Sections 18 (2), 13 (2).

10. The Court may remove or discharge any Receiver other than an Official Receiver, and any Receiver or *Interim* Receiver so removed or discharged shall, unless the Court otherwise orders, deliver up any assets of the debtor in his hands and any books, accounts or other documents relating to the debtor's property which are in his possession or under his control to such person as the Court may direct.

Removal or discharge of Receiver or *Interim* Receiver.
Sections 18 (4) and 13.

(2) If an order of adjudication is annulled, the Receiver, if any, shall, unless the Court otherwise directs, deliver up any assets of the debtor in his hands and any books, accounts or other documents relating to the debtor's property which are in his possession or under his control to the debtor or to such other person as the Court may direct.

Sections 18 (4), 41.

11. The Receiver shall keep a cash book and such books and other papers as are necessary to give a correct view of his administration of the estate, and shall submit his accounts at such times and in such forms as the Court may direct. Such accounts shall be audited by such person or persons as the Court may direct. The costs of the audit shall be fixed by the Court and shall be paid out of the estate.

Receiver's accounts.
Sections 20, 18 (4).

12. (1) Every application to the Court made by a Receiver or an *Interim* Receiver shall be in writing.

(2) The Court may order that notice of any application by the Receiver and of the date fixed for the hearing of the

Application by Receiver or *Interim* Receiver.
Section 20.

application shall be sent by registered Anchal or Post to all creditors who have proved.

Schedule of creditors. Section 23.

13. As soon as the schedule of creditors has been framed, a copy thereof shall, if a Receiver has been appointed, be supplied to him, and all subsequent entries and alterations made therein shall be communicated to the Receiver.

Proof of debits. Section 24.

14. (1) Unless otherwise ordered, all claims shall be proved by affidavit in Form No. 7 in the manner provided in Section 24 of the Regulation, provided that before admitting any claim the Court may call for further evidence.

(2) The affidavit may be made by the creditor or by some person authorised by him, provided that, if the deponent is not the creditor, the affidavit shall state the deponent's authority and means of knowledge.

(3) If any case in which it shall appear from the debtor's statement that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor or by some other person on behalf of all such creditors. Such proof shall be in Form No. 8 in the Appendix.

(4) As soon as may be after proof of any debt is tendered, the Court shall by order in writing admit the creditor's claim in whole or in part or reject it, provided that when a claim is rejected in whole or in part the order shall state briefly the reasons for the rejection.

(5) A copy of every order rejecting a claim, or admitting it in part only, shall be sent by the Court by registered Anchal or Post to the person making the claim within seven days from the date of the order.

Consideration of compositions and schemes of arrangement. Section 26 (1).

15. (1) If a debtor submits a proposal under Section 26 (1) of the Regulation, the Court shall fix a date for the consideration of the proposal and notice thereof (in Form No. 9) together with a copy of the terms of the proposal shall be sent to every creditor who has proved.

(2) At the meeting for the consideration of the proposal, the debtor shall be entitled to address the Court in person or by pleader in support of the proposal, and every creditor who has proved shall be entitled in person or by pleader to question the debtor and to address the Court.

Distribution of dividends. Section 38.

16. (1) No dividend shall be distributed by a Receiver without the previous sanction of the Court.

Section 38 (5).

(2) An order shall not be made under Section 38 (5) of the Regulation without giving the Receiver opportunity to show cause why the order should not be made.

(3) The amount of the dividend may at the request and risk of the creditor be transmitted to him by Anchal or Post.

Debtor to furnish accounts. Section 42 (1).

17. (1) Unless the Court otherwise directs, the debtor shall furnish the Receiver, or if a Receiver has not been appointed, the Court, with a trading account, and an account showing all monies and securities paid, disposed of or encumbered, or recovered by or from the debtor or on his account and his income and the source thereof for such period as the Receiver, or, if a Receiver has not been appointed, the Court may direct, provided that the Receiver shall not without the previous sanction of the Court direct the debtor to furnish accounts for more than two years before the date of the presentation of the insolvency petition.

Notice to debtor to show cause. Section 42 (2).

(2) Before sentencing a debtor under the powers conferred by Section 42, Clause 2, the Court shall call on the debtor to show cause why an order should not be passed against him under that Section.

Receiver's report. Sections 43 (3), 26 (1).

18. The Receiver in making his report shall state whether in his opinion any of the facts mentioned in Section 43, Sub-section (3), of the Regulation exist and if the debtor makes a proposal under Section 26 (1) of the Regulation, the Receiver shall state in his report whether in his opinion the proposal is reasonable and is likely to benefit the general body of the creditors and shall state the reason for his opinion.

Application for discharge. Section 43 (1 & 2).

19. (1) An application for discharge shall not be heard until after the schedule of creditors has been framed.

(2) Every creditor who has proved shall be entitled in person or by pleader, to appear at the hearing and oppose the discharge provided that he has served upon the insolvent and upon the Receiver (if any) not less than 7 days before the date fixed for the hearing, a notice stating the grounds of his opposition to the discharge.

(3) A creditor who has not served the prescribed notices shall not, unless the Court otherwise directs be permitted to oppose the discharge of the debtor; and a creditor who has served the prescribed notices shall not be permitted, unless the Court otherwise directs to oppose the discharge on any ground not specified in the notice.

(4) At the hearing of the application, the Court may hear any evidence which may be tendered by a creditor who has served the prescribed notices, or by the Receiver, and also any evidence which may be tendered on behalf of the debtor and shall examine the debtor, if necessary, for the purpose of explaining any evidence tendered and may hear the Receiver, the debtor in person or by pleader, and any creditor, in person or by pleader, who has served the prescribed notice.

Notices.
Sections 12 (2), 16 (7), 26 (1), 38 (4), 41 (3), 43 (1).

20. (1) The notices to be given under Sections 12 (2), 16 (7), 26 (1), 38 (4) 41 (3) and 43 (1) of the Regulation shall be published in the Travancore Government Gazette in English and in Malayalam and if the Court so directs in one English and one Vernacular newspaper, and copies of the notices in English and in Malayalam shall be affixed to the notice board of the Court.

When the debtor is a Government servant a copy of the order of adjudication under Section 16 (7) and also of the order annulling an adjudication under Section 41 (3) shall be sent to the head of the office in which he is employed.

Sections 12 (2), 26 (1) 38 (4), 43 (1).

(2) The notices to be given under Sections 12 (2), 26 (1), 38 (4) and 43 (1) of the Regulation shall be published and affixed in the manner provided in paragraph 1 of this Rule not less than 14 days before the date fixed for the hearing of the application, the consideration of the proposal, the limit of time fixed for proving claims or the hearing of the application for discharge as the case may be.

Section 12 (1).

(3) Notice of the date fixed for the hearing of an insolvency petition under Section 12 (1) of the Regulation shall be sent by the Court by registered Anchal or Post, if the petition is by the debtor, to all creditors mentioned in the petition, and if the petition is by a creditor, to the debtor, not less than before 14 days before the said date.

Section 26 (1).

(4) Notice of the date fixed for the consideration of a proposal under Section 26 (1) of the Regulation shall be sent by the Court by registered Anchal or Post to all creditors who have tendered proof of their debts not less than 14 days before the said date.

Section 43 (1).

(5) Notice of the date fixed for the hearing of an application for discharge under Section 43 (1) of the Regulation shall be despatched by the Court by registered Anchal or Post to all persons whose names have been entered in the schedule of creditors not less than 14 days before the said date.

Section 38 (4).

(6) The notice to be given under Section 38 (4) of the Regulation shall be sent by the Receiver by registered Anchal or Post to all persons whose claims to be creditors have been notified but not proved not less than one calender month before the limit of time fixed for proving claims.

Section 23 (3).

(7) The notice to be given under Section 23 (3) of the Regulation shall be served only on the debtor and on the creditors whose names appear in the schedule of creditors and may, if the Court so directs, be served on any or all such creditors by registered Anchal or Post.

(8) The notice of an order of adjudication to be published under Section 16 (7) of the Regulation shall contain a statement that creditors should prove their claims as soon as possible and that a claim may be proved by delivering or sending by Anchal or Post in a registered letter to the Court or the Official Receiver as the case may be an affidavit in Form No. 7.

Notice of adjudication to call for proof of claim.

(9) It shall not be necessary to give notice of the date to which the hearing of a petition or of an application for discharge of the consideration of a proposal is adjourned.

Sections 12 (1), 26 (1), 43 (1).

(10) In any case in which a meeting of creditors is necessary and in any case in which the debtor proposes a composition or scheme under Section 26, the Receiver shall give 7 days' notice to the debtor and to every creditor of the time and place appointed for each meeting. Such notice shall be served by registered Anchal or Post.

Notice of meeting of creditors.
Section 26.

(11) Whenever publication of any notice or other matter is required by the Regulation to be made in the Gazette, a memorandum referring to and giving the date that such advertisement appeared, shall be filed with the record and noted in the order sheet.

Memo of advertisement.

(12) A certificate of an Officer of the Court or of the Official Receiver or an affidavit by a Receiver that any of the notices referred to in the preceding Rules has been duly posted accompanied by the Anchal or Post Office receipt shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Proof of despatch of notice.
Sections 12, 16, 26, 38, 41, 43.

21. If the Court makes an order under Section 47 of the Regulation that the debtor's estate be administered in a summary manner—

Summary administration.
Section 47.

(1) The petition and all subsequent proceedings shall be endorsed "Summary Case".

(2) There shall be no advertisement of any proceedings in any newspaper or Gazette.

(3) The Receiver shall not carry on the business of the debtor under Clause (*c*) of Section 20 of the Regulation, nor institute any suit under Clause (*d*) of the said Section, nor accept as the consideration for the sale of any property of the debtor a sum of money payable at a future time under Clause (*f*), nor mortgage nor pledge any part of the property of the debtor under Clause (*g*).

(4) The notice of the hearing of the petition to the creditors shall be in Form No. 16.

(5) The Court shall examine the debtor as to his affairs but shall not be bound to call a meeting of creditors, but the creditors shall be entitled to be heard and to cross-examine the debtor.

(6) The appointment of a Receiver will often not be necessary and the Court may act under Section 22 of the Regulation in order to reduce the cost of the proceedings.

Cost of petitioning creditor. Section 48.

22. (1) All proceedings under the Regulation down to and including the making of an order of adjudication shall be at the cost of the party prosecuting them ; but when an order of adjudication has been made, the costs of the petitioning creditor including the costs of the publication of all notices in the Gazette required by the Regulation or Rules, which by the Regulation or Rules the petitioning creditor is required to pay, shall be taxed and be payable out of the estate.

Cost to be deposited by debtor.

(2) Before making an order in an insolvency petition presented by a debtor the Court may require the debtor to deposit in Court a sum sufficient to cover the costs of sending the prescribed notices of the hearing of petition and the costs of the publication of all notices in the Gazette required by the Regulation or Rules, which by the Regulations or Rules the debtor is required to pay.

(3) The cost of publication in the Gazette of—

Cost of publication in Gazette by whom to be paid.

(a) an order fixing the date for the hearing of an insolvency petition under Section 12 (2) shall, when the petition is by the creditor, be paid by the creditor, and, when the petition is by the debtor, be paid out of the sum deposited in Court by the debtor under paragraph 2 of this Rule ;

(b) notice of a proposal for a composition under Section 26 (1) and notice of an application for discharge under Section 43 (1) shall be paid by the debtor.

(4) The publication in the Gazette of—

(a) notices of adjudication under Section 16 (7) ;

(b) notice to the creditors whose claims have been notified but not proved under Section 38 (4) ; and

(c) notice of an order annulling an adjudication under Section 41 (3),

shall be free of charge.

(5) No costs incurred by a debtor of, or incidental to, an application to approve a composition or scheme shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

Inspection of proceedings. Section 23.

23. All insolvency proceedings may be inspected at such times and subject to such restrictions as the Court may prescribe by the Receiver, the debtor, any creditor who has proved or any legal representative on their behalf.

Furnishing copies of account to creditors. Section 23.

24. Any creditor who has proved his debt may apply to the Court for a copy of the Receiver's accounts (or any part thereof) relating to the estate, as shown by the cash book up to date, and shall be entitled to such copy on payment of the charges laid down in the Rules regarding the grant of copies.

Registers to be maintained by Courts and by Official Receivers–Return.

25. All Courts and the Official Receivers appointed under the Regulation shall maintain Registers of (1) Insolvency petitions received, (2) Insolvency petitions disposed of, and (3) proceedings in insolvency subsequent to orders of adjudication in Forms Nos. 17, 18 and 19 attached to these Rules. They shall also submit to the High Court on the 15th day after the close of each quarter a return of all proceedings in insolvency in Form No. 20.

These Rules shall come into operation with effect from the 1st day of Vrischikom 1096.

Form No. 1.

IN THE DISTRICT COURT OF..................

Insolvency Petition No................of 11......

In the matter of A. B.

Form No. 2.

S. 6 (3)—*Debtor's Petition.*

(Title).

1. (a)......ordinarily residing at,...(or "carrying on business at," or "personally working for gain at" or "in custody at") in consequence of the order of (b) being unable to pay my debts, hereby petition that I may be adjudged an insolvent. The total amount of all pecuniary claims against me is Rs......(c) as set out in detail in schedule A annexed hereunto, which contains the names and residences of all my creditors so far as they are known to, or can be ascertained by, me. The amount and particulars of all my property are set out in schedule B annexed hereunto together with a specification of all my property, not consisting of money and the place or places at which such property is to be found and I hereby declare that I am willing to place all such property at the disposal of the Court save in so far as it includes such particulars (not being my books of account) as are exempted by law from attachment and sale in execution of a decree.

Verification clause as in plaints.

Signature.

(a) Insert name and address and description of debtor.

(b) State name of Court and particulars of decree in respect of which the order of detention has been made or by which an order of attachment has been made against debtor's property.

(c) State whether, and how any of the debts are secured.

Form No. 2.

Particulars of the Debtor's Liabilities and Assets.

SCHEDULE A.—LIABILITIES.

Serial No.	Creditor's name and residence.	Nature of creditor's claim.	Amount of claim.			Remarks.
			Rs.	Ch.	C.	
		Total.				

SCHEDULE B.—ASSESTS.

(1) Land and Houses.

Serial No.	Description.	Extent.	Where situated.	Nature of debtor's interest.	Value of debtor's interest.			Remarks.
					Rs.	Ch	C.	
				Total				

(2) Debts due and other pecuniary claims, excluding those represented by securities and shares in joint-stock companies.

Serial No.	Name and address of debtor or person against whom the claim is alleged.	Nature of debt or claim.	Value.			Remarks.
			Rs.	Ch.	C.	
		Total.				

(3) *Securities and shares in joint-stock companies.*

Serial No.	Description.	Face Value.			In whose possession.	If subject to a claim by another party, the name and address of the party and the nature of the claim.	Market value or, if subject to the claim of another party, market value of debtor's interest.			Remarks.
		Rs.	Ch.	C.			Rs.	Ch.	C.	
	Total.					Total.				

(4) *Money.*

Serial No.	In whose possession.	Amount.			Remarks.
		Rs.	Ch.	C.	
	Total.				

(5) *Other Movable Property.*

*Serial No.	*Description.	In whose possession.	Value.			Remarks.
			Rs.	Ch.	C.	
		Total.				

*It is not necessary to enumerate or describe each item of property. It is sufficient to give each kind of property separately, *e. g.*, jewelry, furniture, books, etc.

ABSTRACT.

	Rs.	Chs.	C.	Rs.	Ch.	C.
A. Liabilities						
B. Assets.—						
(1) Land and houses						
(2) Debts and other pecuniary claims ...						

	Rs.	Ch.	C.	Rs.	Ch.	C.
(3) Securities and shares ...	...					
(5) Money	...					
(5) Other movable property	...					
Total ...				...		
Deficiency Rs.						

I, A. B. hereby declare that I am willing to place at the disposal of the Court all my assets as shown above save in so far as they include such particulars (not being books of account) as are exempted by law from liability to attachment and also in execution of a decree, namely :—

Serial No.	Description of items for which exemption is claimed.	Value.			Remarks.
		Rs.	Ch.	C.	
	Total.				

Form No. 3.

SECTION 6 (4).—*Creditor's petition.*

(Title.)

I, C. D., of......... (or we C. D., of............and E. F. of............) hereby petition the Court that A. B. (*a*) ordinarily residing at............(or "carrying on business at.............." or "personally working for gain at............") may be adjudged an insolvent and say :—

1. That the said A. B. is justly and truly indebted to me (or us in the aggregate) in the sum of Rs.........(set out amount of debt or debts, and the consideration).

2. That I (or we) do not, nor does any person on my (or our) behalf hold any security on the said debtor's estate, or on any part thereof, for the payment of the said sum. Or, that I hold security for the payment of (or part of) the said sum (but that I will give up such security for the benefit of the creditors of the said A. B. in the event of his being adjudged insolvent) (or, and I estimate the value of such security at the sum of Rs..........). Or, that I, C. D., one of your petitioners, held security for the payment of, etc.

That I, E. F., another of your petitioners, hold security for the payment of, etc.

3. That the said A. B. within 3 months before the date of the presentation of this petition has committed the following act (or acts) of insolvency, namely, (here set out the nature and date or dates of the act or acts of insolvency relied on).

(Verification clause as in plaints.) (Signature).

(*a*) Insert name, address and description of debtor.

Form No. 4

S. 12—*Notice to creditors of the date of hearing of an Insolvency petition.*

(Title).

Whereas A. B.........has applied to this Court, by a petition dated........ of 11........to be declared an insolvent under the Insolvency Regulation VIII of 1090, and your name appears in the list of creditors filed by the aforesaid debtor, this is to give you notice that the Court has fixed the........day of ....11........ for the hearing of the aforesaid petition and the examination of the debtor. If you desire to be represented in the matter you should attend in person or by duly instructed pleader. The particulars of the debt alleged in the petition to be due to you, are as follows.

Judge.

Form No. 5.

S. 16.—*Order of adjudication.*

(Title).

Pursuant to a petition, dated ....against (here insert name, description and address of debtor) and on the application of (here insert "the Official Receiver" or "the debtor himself" or "A. B. of ....a creditor,") and on reading........ and hearing........it is ordered that the debtor be and the said debtor is hereby adjudged insolvent.

Dated this.........day of...........19...... Judge.

Form No. 6.

S. 18—*Order appointing a Receiver.*

(Title).

Whereas A. B.........was adjudicated an insolvent by order of this Court dated...........and it ....appears to the Court that the appointment of a Receiver for the property of the insolvent is necessary.

It is ordered that a receiving order be made against the insolvent and a receiving order is hereby made against the insolvent and A. B...............of (or the Official Receiver) is hereby constituted Receiver of the property of the said insolvent.

And it is further ordered that the said Receiver (not being the Official Receiver) do give security to the extent of and that his remuneration be fixed at......

Dated Judge.

Form No. 7.

S. 24.—*Proof of debt—General Form.*

(Cause-title).

$\frac{\text{I}}{\text{We}}$ ....of .... make oath and say (or solemnly and sincerely affirm) that the said................ $\frac{\text{is}}{\text{are}}$ justly and truly indebted to........ in the sum of rupees ....chs..... and cash......as shown by the account in schedule A hereto annexed, for which sum or any part thereof $\frac{\text{I}}{\text{We}}$ say that $\frac{\text{has}}{\text{have}}$ ....

not nor has any person to $\frac{\text{my}}{\text{our}}$ knowledge or belief by $\frac{\text{my / our}}{\text{his / their}}$ order had or received any manner of satisfaction and security whatever, except as shown line in schedule B hereto annexed. *

Sworn (or solemnly affirmed)
at ....
the...............day of...............
before me.
(Signed.) C. D.
Designation.

(Signed) M. N.

* If the creditor relinquishes his security for the general benefit of the creditors, a statement to that effect should be added.

SCHEDULE A.

(Particulars of Debts.)

Date.	Consideration.	Amount.						Remarks.†
		Rs.	Ch.	C.	Rs.	Ch.	C.	
	Total amount due from the debtor.							
	Contra account.							
	Total of contra account.							

Net amount due from the debtor.
Deduct debts secured as shown in schedule B.

Total of unsecured claim against the debtor.

† The vouchers (if any), by which the account can be substantiated should be specified here.

SCHEDULE B.

(Particulars of Securities.)

Serial No.	Description of the security.	Nature of creditor's charge on the security.	Value of creditor's charge on the security.			Remarks.
			Rs.	Ch.	C.	
		Total...				

Form No. 8.

S. 32—*Proof of debt of Workmen.*

(Title).

I. (*a*) of (*b*) make oath and say (or solemnly and sincerely affirm and declare) :—

I. That (*c*) w at the date of the adjudication, *viz.*, the day of..... 11... and still......justly and truly indebted to the several persons whose names, addresses and descriptions appear in the schedule endorsed hereon in sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in (*d*) in respect of services rendered by them respectively to (*e*) during such periods before the date of the receiving order as are set out against their respective names in the fifth column of such schedule, for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction or security whatsoever.

Admitted to vote for R { Sworn at this day of before me } Deponent's Signature.

Judge or Official Receiver.

Commissioner.

(*a*) Fill in full name, address and occupation of deponent.

(*b*) The above named debtor or the foreman of the above named debtor or on behalf of the workmen and others employed by the above-named debtor.

(*c*) "I" or "the said"

(*d*) "My employ" or "the employ of the above named debtor."

(*e*) "Me" or "the above-named debtor."

Form No. 9

S. 26—*Notice to creditors of the date of consideration of a composition or scheme of arrangement*

Take notice that the Court has fixed the.........day of.........11.........,for the consideration of a composition (or scheme of arrangement) submitted by A. B., the debtor in the above insolvency petition. No creditor who has not proved his debt before the aforesaid date will be permitted to vote on the consideration of the above matter. If you desire to be represented at the above mentioned hearing you should be present in person or by duly instructed pleader with your proofs.

Form No. 10.

S. 26 (2)—*List of creditors for use at Meeting held for consideration of composition or scheme.*

(Title).

Meeting held at......this......day of 19......

No.	Names of all creditors whose proofs have been admitted.	Here state as to each creditor whether he voted and if so whether personally or by pleader.	Amount of assets.	Amount of admitted proof.
		Total......		

Required number of Majority.............

Required value.......................................

Form No. 11.

S. 38 (4)—*Notice to persons claiming to be creditors of intention to declare final Dividend.*

(Title).

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court

or before the......day of... ..11......or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this.........day of......19.........

G. H. RECEIVER,
(*Address*)

To X. Y.

Form No. 12.

Notice to Creditor of Distribution of Dividend.

(Cause-Title).

To

Creditor.

Take notice that the distribution of a dividend of......in the rupee in this matter was sanctioned by the Court on .... and that the amount due to you, *i. e.*, Rs. . ...will be paid to you in person or to an agent duly authorised by you at .....or, if you wish it, will be transmitted to you at your risk and expense by postal money order.

Form No. 13.

S. 41—*Order annulling adjudication.*

(Title).

On the application of R. S., of ....and on reading.. ......and hearing ... ., it is ordered that the order of adjudication dated.........against A. B. of........, be and the same is hereby annulled.

Dated this......day of......19 .

Judge.

Form No. 14.

S. 43 (1)—*Notice to Creditors of application for discharge.*

(Title).

Take notice that the above named insolvent has applied at the Court for his discharge and that the Court has fixed the ....day of.........10......at . o'clock for hearing the application.

Dated this ...... day of.........19 .

Judge.

NOTE:—On the back of this notice the provision of Section 43 (3) should be printed.

Form No. 15.

S. 43 (2). A, B or C:—*Order of discharge subject to conditions as to earnings, after-acquired property and income.*

(Title).

On the application of.........adjudged insolvent on the day of......11.. ... and upon taking into consideration the report of the Official Receiver (or Receiver) as to the insolvent's conduct and affairs and hearing A. B., and C. D., creditors;

It is ordered that the insolvent (*a*) be discharged forthwith or (*b*) be discharged on the.... .... or (*c*) be discharged subject to the following conditions as to his future earnings, after-acquired property and income :—

After setting aside out of the insolvent's earnings, after-acquired property and income, the yearly sum of Rs. . ...for the support of himself and his family, the insolvent shall pay the surplus if any (or such portion of such surplus as the Court may determine) of such earnings, after-acquired property and income to the Court or Official Receiver (or Receiver) for distribution among the creditors in the insolvency. An account shall on the 1st day of Chingom in every year or within 14 days thereafter be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after-acquired property and income during the year immediately preceding the said date and the surplus payable under this order shall be paid by the insolvent into Court or to the Official Receiver (or Receiver) within 14 days of the filing of the said account.

Dated this.........day of.........19...

Judge.

Form No. 16.

S. 17 : *Notice to creditors in summary administration.*

(Title).

Take notice that on the ....day of...............11 , the above named debtor presented a petition to this Court praying to be adjudicated an insolvent and that on the day of ....19.. ...the Court being satisfied that the property of the debtor is not likely to exceed Rs. 500 directed that the debtor's estate be administered in a summary manner and appointed the .... day of .... 11......for the further hearing of the said petition and the examination of the said debtor.

Also take notice that the Court may on the aforesaid date then and there proceed to adjudication and distribution of the assets of the aforesaid debtor. It will be open to you to appear and give evidence on that date. Proof of any claim you desire to make, must be lodged in Court on or before the date.

Given under my hand and the seal of this Court the . ...day of..................11....

Judge.

Form No. 17.

Register of Insolvency Petitions Received.

Court:
Year:

Instruction.

1. In column 4, state if the petitioner is the debtor or the creditor. If petitioner be the creditor, add also the name of the debtor whose insolvency is sought to be established. If the debtor be a judgment-debtor or the creditor a decree-holder, he should be also described. In the case of a judgment-debtor, if he is under arrest or imprisonment or if there is an order of attachment against his property subsisting, the fact should be mentioned.

2. If there is a substitution of petitioners under Section 9 of the Insolvency Regulation, the name of the new petitioner should also be mentioned.

3. Petitions taken up as summary cases should be so entered in column 1.

No. of Insolvency petition.	Date of receipt on the file by institution or transfer.	No. of connected suit or petition, if any.	Name and description of petitioner and name of the pleader.	Name and description of opposite party and name of his pleader.	Names and descriptions of all other parties interested in the proceedings and names of their pleaders.	Particulars of circumstances under which the petition is presented.	Total extent of the debtor's assets and liabilities.	Date fixed for hearing.	Date of disposal and order.	Result of review if any, with date.	No. of appeal with result and date.	
1	2	3	4	5	6	7	8	9	10	11	12	

Form No. 18.

Register of Insolvency Petitions Disposed of.

Court...............

Year................

Instruction.

The date to be entered in column 4 will always be the latest date. In the case of petitions restored to file, the date of original institution should be entered and the date of restoration noted in the column of remarks.

Serial Number.	No. of the Insolvency Petition disposed of.	No. of connected suit or petition, if any.	Date of receipt on the file by institution, transfer or otherwise.	Date of disposal.	How disposed of.												Actual number of days occupied in the disposal of the application.	Remarks.
					Transferred, withdrawn or not prosecuted.	Scheme of composition approved under Section 26 (7) without previous order of adjudication.	Order of adjudication made under Section 16 (1).						Dismissed under Section 15.					
							Debtor's petition.			Creditor's petition.			Debtor's petition.		Creditor's petition.			
							Receiver being appointed at the time of adjudication.			Receiver being appointed at the time of adjudication.								
							Official Receiver.	Special Receiver.	No receiver being appointed at the time of adjudication.	Official Receiver.	Special Receiver.	No receiver being appointed at the time of adjudication.	Penal proceedings under Section 42 (2) not being taken.	Sentence of imprisonment being passed under Section 42 (2).	With compensation to debtor.	Without compensation to debtor.		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

Form No. 19.

Register of Proceedings in Insolvency subsequent to Order of Adjudication.

Court :

Year :

1. Serial No.
2. Date of order of adjudication.
3. No. of Insolvency Petition.
4. Subsequent orders affecting the order of adjudication.
   - (i) Adjudication rescinded (Section 17). and (ii) Adjudication annulled under Section 41 (i) — Proceedings stayed / Petition dismissed.
5. Schedule of creditors.
   - Date of framing of schedule.
   - Order adding creditor not in schedule with date.
   - Order expunging debt improperly included, with date.
6. Discharge.
   - Date of application.
   - Date of order — Refusing discharge. / Suspending discharge, / Granting conditional discharge. / Granting absolute discharge.
7. Administration of property.
   - (i) Date of appointment of Receiver.
   - (ii) Receiver — Official / Special — Name and occupation / Amount of security / Remuneration fixed
   - (iii) No. of estates placed in charge of Receiver or under Court's management if there is no Receiver.
   - (iv) Insolvent appointed to superintend management. — Date / Allowance fixed
   - (v) Amount of creditor's claims — Admitted / Disallowed
8. Penal provisions enforced.
   - Debtor dealt with under Section 42 (2) — Nature of misconduct— Clause *a*, *b*, or *c*. / Period of imprisonment.

Action taken against Receiver under Section 18 (4) { Nature of default—Clause *a*, *b* or *c*—

{ Steps taken. { Date
Result

---

9. Appeals.

Number.	Date of order appealed from.	Order appealed against.	Date of disposal.	Result.

---

(2)

Rules respecting the duties of and remuneration due to Official Receivers, sanctioned by the Government.

(Dated the 14th August 1922.) (a)

1. The Official Receiver shall maintain the following books of account:—

(i) Day book—showing daily cash receipts and payments of cash and securities.

(ii) Ledger—showing account of each estate in which monies or securities are received.

(iii) Collection account—showing payments into and out of the Court, except on Office charges Account or Dividend Account.

(iv) Dividend Account—showing account of monies transferred from collection Account for Distribution as dividend.

(v) Office charges Account—showing receipts from and payments out of the Office Charges Fund (salaries, advances to estates, etc.) (Section 19 Cl. 3 and 4 of the Insolvency Regulation).

(vi) Deposit and Sale Account—showing cash received from creditors, depositors or purchasers, on sale of property and expenditure.

(vii) Dividend Register—showing list of estates in which dividends have been declared, with date of declaration.

(viii) Assets Register—showing list of movable and immovable property come to the hands of the Official Receiver, list of outstandings by reference to

(a) The Rules were issued by the High Court on the 8th September 1922, and published in the Gazette *dated 19-9-1922, Pt. IV, Judicial Dept., P. 320.*

schedule of insolvent. The remarks column to contain entry as to disposal of property, and whether outstandings are recoverable or to be written off.

(ix) Documents Register—showing lists of title deeds, documents and books of account come to the hands of the Official Receiver.

2. The Official Receiver shall be entitled to retain in his hand for petty expenses a sum not exceeding Rs. 200 and subject thereto all monies received and paid by him shall be paid into or out of the Court.

3. The Official Receiver shall be given an allowance of Rs. (50) fifty per mensem for his personal remuneration and allowed a peon on Rs. (7) seven per mensem along with a sum of Rs. (3) three per mensem for contingent expenses, but no other special allowance shall be given for office rent, furniture, stationery, etc., and they should make their own arrangements for the clerical work involved.

4. In addition to the said allowances the Official Receiver shall be entitled to a commission of 5 per cent. upon the moneys from time to time to be distributed as dividends out of the estate of any insolvent in his hands, a portion of the commission being however paid by him into the Court Treasury for being credited to Government, according to the following scale:—

When the allowance and commission

together exceed	Rs. 125	but does not exceed	Rs. 200,	20 per cent. on the excess.	
Do.	Rs. 200	Do.	Rs 250,	25 per cent.	Do.
Do.	Rs. 250	Do.	Rs. 300,	33 $\frac{1}{3}$ per cent.	Do.
Do.	Rs. 300	Do.	Rs. 400,	40 per cent.	Do.
Do	Rs. 400	Do.	Rs. 500,	50 per cent.	Do.

5. (1) Where an insolvent has no available assets, the Official Receiver shall not be required to incur any costs, charges, or expenses in relation to his estate without the express directions of the Court Provided that he shall be at liberty to apply any monies not exceeding Rs. 50 in any one matter, standing to the credit of the Office Charge Fund, in defraying any necessary Court fees, costs, charges and expenses therein.

(2) Upon the application of the Official Receiver, the Court may, from time to time, empower him to apply any monies standing to the credit of the said fund, to an amount specified in the order of the Court, in payment of any costs, charges and expenses of or in connection with the realisation or administration of the estate of an insolvent or of any suit, appeal, prosecution, or other proceedings authorised by the Court.

(3) All sums advanced, out of the said fund under this Rule shall be repaid out of any assets of the insolvent in priority to all other claims or charges.

6. The Rules Nos. 10 (2), 11, 12, 16 (1) and (2), 17 (1), 18, 20 (10) and (12), 21 (3) and 25 framed by the High Court under the Insolvency Regulation shall be applicable to Official Receivers.

REGULATION IX OF 1090. (a)

SUCCESSION CERTIFICATE REGULATION.

CONTENTS.

Preamble.

Sections

1.	Title, commencement and extent ...	1
2.	Definiton. "Security"	3
3.	Proof of representative title a condition precedent to recovery through the Courts of debts from debtors of deceased persons	4
4.	Court having jurisdiction to grant certificate ...	5
5.	Application for certificate	6
6.	Procedure on application	7
7.	Contents of certificate	8
8	Requisition of security from grantee of certificate ...	9
9.	Extension of certificate	10
10.	Form of certificates and extended certificates ...	11
11.	Amendment of certificate in respect of powers as to securities	12
12.	Levying of Court fees	13
13.	Mode of collecting Court fees on certificate	14
14.	Local extent of certificate	15
15.	Effect of certificate	16
16.	Revocation of certificate	18
17.	Appeal	19
18.	Effect on certificate of previous certificate	20
19.	Validation of certain payments made in good faith to holder of invalid certificate	22
20.	Effect of decisions under this Regulation, and liability of holder of certificate thereunder	25
21.	Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation ...	26
22.	Transfer of proceedings by the High Court ...	"
23.	Surrender of superseded and invalid certificates ...	27
24.	Power to reduce or remit the fees.	

Schedule.—Form of certificate and extended certificate. (Section 10)

(a) Amended by Regulation V of 1092. The figures on the right refer to the corresponding Sections of the Indian Succession Certificate Act VII of 1889.

REGULATION IX OF 1090.

A Regulation to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons

Passed by His Highness the Maha Raja of Travancore on the 7th August 1915 corresponding with the 22nd Karkatakom 1090, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons; It is hereby enacted as follows:—

Regn. IX of 1090: I. *Objects and Reasons*.—(1) "There is at present no law to facilitate the collection of debts due to a deceased person. When, on the death of a person, his heir or heirs desire to collect the debts, a certificate from the Provertikar is applied for and the latter issues the same. In cases of disputed heirship, the Provertikar cannot say who the real heir is; nor is the certificate issued by him declared to be valid by any law or rule having the force of law. So far as the debtor is concerned, the certificate does not afford any protection to him if he pays the debt. The result is that, in the case of disputed heirship, the parties are referred to a regular suit which entails heavy expense and delay. The absence of a Succession Certificate Regulation has of late been very much felt, and the present Bill has therefore been drafted on the lines of the British Indian Succession Certificate Act, VII of 1889."— *S. O & R.*

(2) When the Bill was introduced and when a Non-official Member observed that no necessity had been made out for the new law, the President pointed out "that the main object of the Bill was to afford protection to the debtor, but that, as between contending heirs, they were at perfect liberty to go to a Court of law." The Official member in charge said that, "whereas in the case of an interpleader suit, the debtor had to pay a Court fee of five per centum on the vlaue of the subject-matter of the dispute, under the proposed Bill, he would have to pay only two per cent. As for the two per cent. itself, the amount was intended to cover the actual expenses and, if that be considered excessive, it might be reduced at the time when the Bill came up before the Council for discussion."

L. C. P., dated 15-9-1914.

II. The Bill was published in the Gazette dated 18-8-1914, and was introduced in the Council and referred to a Select Committee on 15-9-1914 (*T. G. G., dated 17-11-1914*). The Committee's Report was published on 17-11-1914, and was presented to, and considered by, the Council on 14-12-1914 (*T. G. G., dated 29-12-1914*). The Bill was finally read and passed on 21-6-1915 (*T. G. G., dated 6-7-1915*). The Regulation was published in the Gazette dated 10-8-1915.

Regn. V of 1092: I. *Objects and Reasons*.—(1) "Sec. 12 of the Regulation is one relating to Court fees. As in the case of Court fees leviable under Regulation VI of 1087, it may sometimes be necessary to exempt in whole or in part the fees leviable under Sec. 12 of the Regulation. The present Sec. (24) is therefore drafted on the lines of Sec. 22 of the Court Fees Regulation."— *S. O & R.*

(2) In introducing the Bill, the Official Member in charge said:—"Under the Succession Certificate Regulation, Sec. 12, Court fees had to be levied on every application under it, and unlike the Court Fees Regulation, the Succession Certificate Regulation, contained no provision for the grant of exemption from payment of such fees. It was thought expedient that the

Title, commencement and extent.

1. (1) This Regulation may be called the "Succession Certificate Regulation, 1090."

(2) It shall come into force on the first day of Chingam 1091; and

(3) It extends to the whole of Travancore.

Definition.

2. In this Regulation, unless there be something repugnant in the subject or context, "Security" means—

(a) any promissory note, debenture, stock or other security of the Government of India, or of Our Government;

(b) any bond, debenture, or annuity charged by Our Government on the revenues of Our State;

(c) any stock or debenture of, or share in, a Company or other incorporated institution;

(d) any other security which Our Dewan may, by Notification in the Government Gazette, declare to be a security for purposes of this Regulation.

Proof of representative title a condition precedent to recovery through the Courts of debts from debtors of deceased persons.

3. No Court shall—

(a) pass a decree against a debtor of a deceased person for payment of his debt to a person claiming to be entitled to the effects of the deceased person or to any part thereof, or

(b) proceed, upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt,

---

Government should have the power to exempt particular applications or classes of applications from the payment of fees under the Regulation, and it was with this object that the amending Bill was introduced."—*L. C. P., dated 27-9-1916.*

II. The Bill was published in the Gazette dated 19-9-1916, and was introduced in, and considered by, the Council on 27-9-1916 (*T. G. G., dated 7-11-1916*). The further stages of the Bill were gone through at the same sitting, as the Member in charge observed that the Bill was a non-contentious measure and could not meet with opposition, for the reason that the Government thereby proposed only to *remit* the fees leviable according to the Regulation. The Bill was finally read and passed on 26-2-1917 (*T. G. G. dated 3-4-1917.*) The Regulation was published in the Gazette dated 3-4-1917.

Sec. 3 : Case Law.

1. The senior member of a Nambudiri Illom brought a suit against a manager of the Illom estates for recovery of Rs. 2000 as damages on the allegation that, during the period the defendant was in management, he allowed rent to the extent of that amount to become time-barred. The original plaintiff having died, the petitioner the next senior member of the Illom, applied to be impleaded as his representative and to be allowed to proceed with the suit. The Court ordered production of succession certificate. *Held* (on revision).—(1) As the

except on the production by the person so claiming, of a certificate granted under this Regulation and having the debt specified therein.

The word "debt" in this Section includes any debt, except rent, revenue or profits payable in respect of land used for agricultural purposes.

---

suit was one for recovery of damages and not a debt, a decree could be passed therein in favour of the legal representative of the deceased plaintiff, even though he omitted to produce a certificate of succession. The word 'debt' in Sec. 3 includes any debt except rent, revenue or profits payable in respect of land used for agricultural purposes. A claim for damages is not a claim to recover a debt.

(2) As the deceased brought the suit on behalf of his Illom, and the petitioner claimed to continue the suit as the next senior member of the Illom, the petitioner could claim a decree in his favour without production of a certificate of succession.

(3) In any case, Sec. 3 of the Regulation did not support the order sought to be revised as, under that Section, the production of the certificate could be required, if at all, only before the passing of the decree (F. B.). —33 T. L. R., *69* (7 T. L. J., *105*).

2. On the death of P. who originally instituted the suit, the appellant applied to be brought on the record as the legal representative of the deceased. The application was, after due notice, allowed and the appellant was added as the second plaintiff. The question was whether the appellant could claim a decree in his favour, as the legal representative of the deceased plaintiff, without the production of a certificate under Regulation IX of 1090. *Held.*—The Regulation does not apply. A person who is brought upon the record, as the legal representative of a deceased plaintiff, can claim to have a decree passed in his favour, without the production of a certificate under the Regulation.

Sec. 351 of the Civil Procedure Code lays down the procedure to be followed by the Courts, should any dispute arise as to who is the legal representative of a deceased plaintiff; and it provides that the suit may be either stayed until the question has been determined in another suit, or that the Court may itself decide the dispute by an order made in the suit. The person who is thus brought upon the record can claim to have a decree passed in his favour as the legal representative of the deceased, inasmuch as in the eye of the law, he continues the existence of the deceased. Moreover, Sec. 348 of that Code imperatively requires the Court to proceed with the suit after the legal representative has been placed on the record. The Explanation to Sec. 350 also suggests this conclusion.— 8 T. L. J., *413*.

3. A person claiming under a Will and suing a debtor of the deceased person is bound to produce a succession certificate.

The word "succession" is wide enough to cover not only intestate succession but also succession under a Will.— 10 T. L. J., *200*.

4. A decree for realisation of money due under a hypothecation bond merely by sale of the hypothecated property is not 'a decree against a debtor for payment of his debt' within the meaning of Sec. 3 of the Regulation.

The representative of a deceased hypothecatee praying for a sale of the hypothecated property and asking for no relief personally against the hypothecator, is not bound to produce a certificate under the Regulation before he can obtain a decree.— 36 T. L. R., *195*.

5. There is nothing in Clause *(b)* of Sec. 3 to prevent a person being brought on the record as the representative of the deceased decree-holder without the production of a succession certificate; but the production of the certificate is necessary before execution can be issued.

Court having jurisdiction to grant certificate.

4. The District Court within the jurisdiction of which the deceased ordinarily resided at the time of his death, or, if at that time he had no fixed place of residence, then, within the jurisdiction of which any part of the property of the deceased may be found, may grant a certificate under this Regulation.

Application for certificate.

5. (I) Application for such a certificate must be made to the District Court by a petition, signed and verified by or on behalf of the applicant in the manner prescribed by the Code of Civil Procedure for the signing and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely:—

(a) the time of the death of the deceased;

(b) the ordinary residence of the deceased at the time of his death and, if such residence was not within the

A mortgage or hypothecation decree, in so far as it is a decree against property, is not a decree for payment of a debt. A suit to enforce a charge on immovable property is a suit for the recovery of an interest in immovable property.

While the claim of a hypothecation decree-holder to have the hypothecated property sold does not come within Clause (b) of Sec. 3, yet his application to have his decree executed against the hypothecator personally falls within that Clause.

The provisions of Sec. 3 are mandatory and the Courts are bound to apply the Section if the necessity is brought to their notice in time. These provisions are not solely for the benefit of the judgment-debtor and cannot therefore be waived by him (F.B.). —13 T. L. J., *429*.

6. The provision in Sec. 3 of the Regulation for the production of a succession certificate is a general statutory provision which applies to all Courts. No Court, whether trial or appellate, seized of a case can pass a decree in plaintiff's favour till the peremptory requirements of Sec. 3 are complied with.

The omission to raise the objection about the non-production of a succession certificate in the original Court by the defendant does not prevent him from taking the objection in the Appellate Court.

Sec. 3 does not permit a conditional decree being passed (for example, that a decree may be given subject to the production of a succession certificate before the plaintiff applies for execution).— 16 T. L. J., *134*.

7. The rule of law enunciated in 16 T. L. J., 134 that the omission to raise the objection about the non-production of a succession certificate in the original Court, by the defendant does not prevent him from taking the objection in the Appellate Court, applies only to cases where from the facts admitted or proved a succession certificate is indispensable under the provisions of Sec. 3. Where, however, the application of the Section is doubtful and certain other facts are required to be alleged, admitted and proved to enable the Court to treat the subject-matter of the claim as the separate assets of a deceased person, the dictum in the above case is clearly inapplicable, as it is a settled rule of law that questions of law involving facts not alleged or proved cannot be allowed to be set up for the first time in appeal.— 17 T. L. J., *88*.

local limits of the jurisdiction of the Court to which the application is made, then the property of the deceased within those limits;

(c) the family or other near relatives of the deceased and their respective residences;

(d) the right in which the petitioner claims;

(e) the absence of any impediment under any provision of this Regulation or any other enactment to the grant of the certificate or to the validity thereof if it were granted; and

(f) the debts and securities in respect of which the certificate is applied for.

(2) If the petition contains any averment which the person verifying it knows or believes to be false, or does not believe to be true, that person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

Procedure on application.

6. (1) If the District Court is satisfied that there is ground for entertaining the application, it shall fix a day for the hearing thereof and cause notice of the application and of the day fixed for the hearing—

(a) to be served on any person to whom, in the opinion of the Court, special notice of the application should be given, and

(b) to be posted on some conspicuous part of the Court-house and published in such other manner, if any, as the Court, subject to any Rules made by the High Court in this behalf, thinks fit;

and upon the day fixed, or as soon thereafter as may be practicable shall proceed to decide in a summary manner the right to the certificate.

(2) When the Court decides the right thereto to belong to the applicant, it shall make an order for the grant of the certificate to him.

Sec. 6: Case Law.

The enquiry under Sec. 6 need not be exhaustive. Though, no doubt, a summary enquiry alone is all that is contemplated, yet the provisions of that Section clearly indicate the necessity of *some* enquiry into the matter in all cases of dispute.—

33 T. L. R., 832 (7 T. L. J., 801).

(3) If the Court cannot decide the right to the certificate without determining questions of law or fact which seem to it to be too intricate and difficult for determination in a summary proceeding, it may nevertheless grant a certificate to the applicant, if he appears to be the person having *prima facie* the best title thereto.

(4) When there are more applicants than one for a certificate, and it appears to the Court that more than one of such applicants are interested in the estate of the deceased, the Court may, in deciding to whom the certificate is to be granted, have regard to the extent of interest, and the fitness in other respects, of the applicants.

Contents of certificate.

7. When the District Court grants a certificate, it shall therein specify the debts and securities set forth in the application for the certificate and may thereby empower the person to whom the certificate is granted—

(*a*) to receive interest or dividends on, or

(*b*) to negotiate or transfer, or

(*c*) both to receive interest or dividends on, and to negotiate or transfer,

the securities or any of them.

Requisition of security from grantee of certificate.

8. (1) The District Court shall, in any case in which it proposes to proceed under Section 6, Sub-section (3) or Sub-section (4), and may, in any other case, require, as a condition precedent to the granting of a certificate, that the person to whom it proposes to make the grant shall give to the Judge of the Court, to ensure for the benefit of the Judge for the time being, a bond with one or more surety or sureties, or other sufficient security, for rendering an account of debts and securities received by him and for indemnity of persons who may be entitled to the whole or any part of those debts and securities.

(2) The Court may, on application made by petition, and on cause shown to its satisfaction, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court thinks fit, assign the bond or other security to some proper person, and that person shall thereupon be entitled to sue thereon in his own name as if it had been originally given to him instead of to the Judge of the Court, and to recover, as trustee for all persons interested, such amount as may be recoverable thereunder.

9. (1) A District Court may, from time to time, on the application of the holder of a certificate under this Regulation, extend the certificate to any debt or security not originally specified therein, and every such extension shall have the same effect as if the debt or security to which the certificate is extended had been originally specified therein.

Extension of certificate.

(2) Upon the extension of a certificate, powers with respect to the receiving of interest or dividends on, or the negotiation or transfer of, any security to which the certificate has been extended, may be conferred, and a bond or further bond or other security for the purpose mentioned in the last foregoing Section may be required, in the same manner as upon the original grant of a certificate.

10. Certificates shall be granted and extensions of certificates shall be made, as nearly as circumstances admit, in the Forms set forth in the Schedule.

Form of certificates and extended certificates.

11. Where a District Court has not conferred on the holder of a certificate any power with respect to a security specified in the certificate, or has only empowered him to receive interest or dividends on, or to negotiate or transfer, the security, the Court may, on application made by petition and on cause shown to its satisfaction, amend the certificate by conferring any of the powers mentioned in Section 7 or by substituting any one for any other of those powers.

Amendment of certificate in respect of powers as to securities.

12 The amount of fees leviable for the grant of a certificate or the extension of a certificate under this Regulation is one and a half per centum on the amount or value of any debt or security specified in the certificate under Section 7, and two per centum on the amount or value of any debt or security to which the certificate is extended under Section 9.

Levying of Court fees.

Explanation I.—The amount of a debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

Sec. 12: In the original Bill, the fee leviable for the grant of a certificate was two per cent, and for extension of the same three per cent. These percentages were adopted from the British Act. But the Select Committee reduced them to what they are now in the Section. They said :—"It has to be observed that the *ad valorem* Court fee for suits is 7½ per cent. in British India, whereas it is only 5 per cent, in Travancore. It is therefore thought desirable to reduce the Court fee with reference to the certificate to 1½ per cent. and that for the extension to 2 per cent."— *S. C. R.*

See also Statement of Objects and Reasons, *Supra.*

Explanation II.—Whether or not any power with respect to a security specified in a certificate has been conferred under the Regulation, and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of, the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

Mode of collecting Court fees on certificates.

13 (1) Every application for a certificate or for the extension of a certificate must be accompanied by a deposit of a sum equal to the fee payable, under the next preceding Section, in respect of the certificate or extension applied for.

(2) If the application is allowed, the sum deposited by the applicant shall be expended under the direction of the Court, in the purchase of the stamp to be used for denoting the fee payable as aforesaid.

(3) Any sum received under Sub-section (1) and not expended under Sub-section (2) shall be refunded to the person who deposited it.

Local extent of certificate.

14. A certificate under this Regulation shall have effect throughout the whole of Travancore.

Effect of certificate.

15. Subject to the provisions of this Regulation, the certificate of the District Court shall, with respect to the debts and securities specified therein, be conclusive as against the persons owing such debts or liable on such securities, and shall, notwithstanding any defect, afford full indemnity to all such persons as regards all payments made, or dealings had, in good faith, in respect of such debts or securities to or with the person to whom the certificate was granted.

Revocation of certificate.

16. A certificate granted under this Regulation may be revoked for any of the following causes, namely:—

(*a*) that the proceedings to obtain the certificate were defective in substance;

(*b*) that the certificate was obtained fraudulently by the making of a false suggestion, or by the concealment from the Court of something material to the case;

(*c*) that the certificate was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant thereof, though such allegation was made in ignorance or inadvertently;

(*d*) that the certificate has become useless and inoperative through circumstances;

(*e*) that a decree or order made by a competent Court in a suit or other proceeding with respect to effects comprising debts or securities specified in the certificate renders it proper that the certificate should be revoked.

Appeal.

17. (1) Subject to the other provisions of this Regulation, an appeal shall lie to the High Court, from an order of a District Court granting, refusing or revoking a certificate under this Regulation, and the High Court may, if it thinks fit, by its order on the appeal, declare the person to whom the certificate should be granted and direct the District Court, on application being made therefor, to grant it accordingly, in supersession of the certificate, if any, already granted.

(2) An appeal under Sub-section (1) must be preferred within the time allowed for an appeal under the Code of Civil Procedure.

(3) Subject to the provisions of Sub-section (1) and of Chapters XLIII and XLIV of the Code of Civil Procedure as applied by Section 584 of that Code, an order of a District Court under this Regulation shall be final.

Effect on certificate of previous certificate.

18. Save as provided by this Regulation, a certificate granted thereunder in respect of any of the effects of a deceased person shall be invalid, if there has been a previous grant of such a certificate in respect of the estate of the deceased person and if such previous grant is in force.

Validation of certain payments made in good faith to holder of invalid certificate.

19. Where a certificate under this Regulation has been superseded or is invalid by reason of the certificate having been revoked under Section 16, or by reason of the grant of a certificate to a person named in an appellate order under Section 17, or by reason of a certificate having been previously granted, or for any other cause, all payments made or dealings had, as regards debts and securities specified in the suspended or invalid certificate, to or with the holder of that certificate, in ignorance of its supersession or invalidity, shall be held good against claims under any other certificate.

Effect of decisions under this Regulation, and liability of holder of certificate thereunder.

20. No decision under this Regulation upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties and nothing in this Regulation shall be construed to affect the liability

of any person who may receive the whole or any part of any debt or security, or any interest or dividend on any security, to account therefor to the person lawfully entitled thereto.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.

21. (1) Our Government may, by Notification in the Gazette, invest any Court inferior in grade to a District Court with the functions of a District Court under this Regulation, and may cancel or vary any such Notification.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Regulation upon the District Court, and the provisions of this Regulation relating to the District Court shall apply to such inferior Court as if it were a District Court:

Provided that an appeal from any such order of an inferior Court as is mentioned in Sub-section (1) of Section 17, shall lie to the District Court, and not to the High Court, and that the District Court may, if it thinks fit, by its order on the appeal, make any such declaration and direction as that Sub-section authorises the High Court to make by its order on an appeal from on order of a District Court.

(3) An order of a District Court on an appeal from an order of an inferior Court under the last foregoing Sub-section shall, subject to the provisions of Chapters XLIII and XLIV of the Code of Civil Procedure as applied by Section 584 of that Code, be final.

(4) A Notification under Sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

Transfer of proceedings by the High Court.

22. The High Court may withdraw any proceedings under this Regulation from any Court subordinate thereto, and may transfer them to another Court having authority to dispose of the proceedings.

Surrender of superseded and invalid certificates.

23. (1) When a certificate under this Regulation has been superseded or is invalid from any of the causes mentioned in Section 19, the holder thereof shall, on the requisition of the Court which granted it, deliver it up to that Court.

Sec. 21: In the original Bill there was, as in Sec. 26 of the Indian Act, a Clause as follows:—"Any Civil Court which, for any of the purposes of any enactment, is subordinate to, or subject to, the control of, a District Court shall, for the purposes of this Section, be deemed to be a Court inferior in grade to a District Court." This was deleted by the Select Committee "as being unnecessary."—*S. C. R.*

(2) If he wilfully and without reasonable cause omits so to deliver it up, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

Power to reduce or remit the fees.

[24. Our Government may, from time to time, by Notification in Our Government Gazette, reduce or remit, in the whole or in any part of Travancore, the fees leviable under Section 12 of this Regulation, and may, in like manner cancel or vary such order] (a)

Succession Certificate—*Other Cases.*

1. The surviving partners of a firm or the legal representatives of a deceased partner acting in combination or otherwise are competent to recover a debt due to the firm, without a succession certificate even where the deceased partner took the bond or note, on which the suit is brought, in his sole name. The right to *the debt is not* based on succession or inheritance. The firm was the creditor at the inception of the debt, and continues to be such even at the date of the suit (F. B.).— 8 T. L. J., *124.*

2. Succession certificates should not ordinarily be granted to rival claimants jointly, as it would defeat the object of the Regulation.

"The grant of a joint certificate to two or more persons is not only fraught with obvious inconvenience but is opposed to the whole spirit and policy of the Act which was specifically directed to providing greater security for persons paying to the representatives of deceased persons debts due to their estates and to facilitating the collection of such debts by removing all doubts as to the legal title to demand and recover the same. The issue of joint certificates would ordinarily defeat instead of subserving both these objects. The Act gives the Judge no power to grant a joint certificate to two persons; his duty is to determine which of the applicants has the better right."

9 T. L. J., *114.*

3. A decree was in the following terms :— The plaintiff is allowed to realise Rs. 300 and odd costs and interest from the defendant and his Tarwad properties. The plaintiff should produce a succession certificate within six months, in default of which the suit will stand dismissed with costs."

The time fixed in the decree for the production of the succession certificate expired on 22-9-1094. Various applications for execution were made before and after that date, but the succession certificate was produced only on 30-2-1095.

The lower Appellate Court held that the act of the Court of first instance in receiving the succession certificate on 30-2-1095 and allowing the execution to proceed was tantamount to an order condoning the delay in the production of the certificate which the Court was competent to do. *Held.*—The execution Court was not competent to extend the time fixed in the decree for the production of the certificate and as it was not produced within the time specified, there was nothing for the decree-holder to execute.

It is an elementary principle of law that it is not competent to the execution Court to vary the terms of the decree sought to be executed and its only function is to construe the decree. The question is not about the legality or otherwise of the decree, though it is clearly opposed to the express provision of Sec. 3 of the Regulation. The decree has been passed and not having been appealed against by either party, has become final. It is a decree to which a condition is attached upon the fulfilment of which alone the

(a) Added by Regulation V of 1092.

SCHEDULE.

FORMS OF CERTIFICATE AND EXTENDED CERTIFICATE.

(See Section 10.)

In the Court of....................

To

A. B.

Whereas you applied on the............day of.... ......for a certificate under the Succession Certificate Regulation, 1090, in respect of the following debts and securities, namely :—

Debts.

Serial number.	Name of debtor.	Amount of debt including interest on date of application for certificate.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial number.	Description.			Market-value of security on date of application for certificate.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security	

decree-holder is to enjoy the fruits thereof. It is none the less a final decree and cannot be deemed to be an interlocutory or preliminary decree inasmuch as the Court has no further judicial function to perform in respect of the complete disposal of the suit. The terms of the decree are peremptory and enjoin that, unless the succession certificate is produced within six months, the suit will stand dismissed with costs. The succession certificate was admittedly not produced within the time specified and consequently the execution Court was bound to reject the execution application as soon as that fact came to its notice which was on 30-2-1095.

—13 T. L. J., 104.

This certificate is accordingly granted to you and empowers you to collect those debts [and] [to receive] [interest] [dividends] [on] [to negotiate] [to transfer] [those securities.]

Dated this...... ....day of...........

Judge.

In the Court of..................on the application of A. B. made to me on the ....day of..............I hereby extend the certificate to the following debts and securities, namely :—

Debts.

Serial number.	Name of debtor.	Amount of debt including interest on date of application for extension.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial number	Description.			Market-value of security on date of application for extension.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security.	

This extension empowers A. B. to collect those debts [and] [to receive] [interest] [dividends] [on] [to negotiate] [to transfer] [those securities.]

Dated this ....day of......

Judge.

REGULATION X OF 1090

PATENTS AND DESIGNS REGULATION.

CONTENTS.

Preamble.

Preliminary.

Sections.

1.	Short title, extent and commencement	1
2.	Definitions	2
	(1) "Article."	
	(2) "Controller."	
	(3) "Copyright."	
	(4) "Design."	
	(5) "Invention."	
	(6) "Legal representative."	
	(7) "Manufacture."	
	(8) "Patent."	
	(9) "Patentee."	
	(10) "Prescribed."	
	(11) "Proprietor of a new and original design."	

PART I.

Patents.

Application for and Grant of Patent.

3.	Application	3
4.	Specification	4
5.	Proceedings upon application	5
6.	Advertisement on acceptance of application ...	6
7.	Use of invention on acceptance of application ...	7
8.	Inquiry before sealing patent	8
9.	Opposition to grant of patent	9
10.	Grant and sealing of patent	10
11.	Date of patent	11
12.	Effect, extent and form of patent	12
13	Fraudulent applications for patents	13

The figures on the right refer to the corresponding Sections of the Indian Patents and Designs Act II of 1911 as amended.

Sections.

Term of Patent.

14.	Term of patent	14
15.	Extension of term of patent	15
16.	Restoration of lapsed patent	16

Amendment of Application or Specification.

17.	Amendment of application or specification by Controller ...	17
18.	Amendment of specification by the Court ...	18
19.	Restriction on recovery of damages	19

Register of Patents.

20.	Register of patents	20
21.	Patent to bind Our Government	21

Compulsory Licenses and Revocation.

22.	Compulsory licenses and revocation	22
23.	Revocation of patents worked outside Travancore ...	23
24.	Power of Controller to revoke surrendered patent ...	24
25.	Revocation of patent on public grounds	25

Legal Proceedings.

26.	Petition for revocation of patent	26
27.	Notice of proceedings to persons interested ...	27
28.	Framing issue for trial before other Courts ...	28
29.	Suits for infringement of patents	29
30.	Exemption of innocent infringer from liability for damages ...	30
31.	Order for inspection, etc, in suit	31
32.	Certificate of validity questioned and costs thereon ...	32
33.	Transmission of decrees and orders to the Controller ...	33
34.	Hearing with assessor	35
35.	Remedy in case of groundless threats of legal proceedings ...	36

Miscellaneous.

36.	Grant of patents to two or more persons	37
37.	Novelty of invention	38
38.	Loss or destruction of patent	39
39.	Provisions as to exhibitions	40
40.	Models to be furnished to Trivandrum Museum ...	41
41.	Foreign vessels in Travancore waters	42

PART II.

Designs.

Registration of Designs.

Sections.

42. Application for registration of designs 43
43. Registration of designs in new classes 44
44. Certificate of registration 45
45. Register of Designs 46

Copyright in Registered Designs.

46. Copyright on registration 47
47. Requirements before delivery on sale 48
48. Effect of disclosure on copyright 49
49. Inspection of registered designs 50
50. Information as to existence of copyright 51

Industrial and International Exhibitions.

51. Provisions as to exhibitions 52

Legal Proceedings.

52. Piracy of registered design 53
53. Application of certain provisions of the Regulation as to patents to designs 54

PART III.

General.

Patent Office and Proceedings thereat.

54. Patent Office 55
55. Officers and clerks 56

Fees.

56. Fees 57

Provisions as to Registers and other Documents in the Patent Office.

57. Notice of trust not to be entered in Registers ... 58
58. Inspection of, and extracts from, Registers ... 59
59. Privilege of reports of Controller 60
60. Prohibition of publication of specification, drawings, etc., where application abandoned, etc. 61
61. Power of Controller to correct clerical errors ... 62
62. Entry of assignments and transmissions in Registers ... 63
63. Rectification of Register by High Court 64

Sections.

Powers and Duties of Controller.

64.	Powers of Controller in proceedings under Regulation ...	65
65.	Publication of patented inventions	66
66.	Exercise of discretionary power by Controller ...	67
67.	Power of Controller to take directions of Dewan ...	68
68.	Refusal to grant patent, etc., in certain cases ...	69
69.	Appeals to the Dewan	70
	Evidence, etc.	
70.	Certificate of Controller to be evidence	71
71.	Transmission of certified printed copies of specifications, etc. ...	72
72.	Applications and notices by post	73
73.	Declaration by infant, lunatic, etc.	74
	Agency.	
74.	Subscription and verification of certain documents ...	75
75.	Agency	76
	Powers, etc., of the Dewan.	
76.	Power of Dewan to make Rules	77
	Offences.	
77.	Wrongful use of words "Patent Office"	78
	Saving.	
78.	Saving for Prerogative	79

The Schedule (Section 56).—Fees.

A Regulation to make provision for the protection of Inventions and Designs

Passed by His Highness the Maha Raja of Travancore, on the 7th August 1915 corresponding with the 22nd Karkatakom 1090, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to make provision for the protection of inventions and designs; It is hereby enacted as follows:—

Regn. X of 1090: I. *Objects and Reasons.*—"At present, there is no law to protect inventions and designs. The necessity for the same has been recently felt. A Bill on the lines of Act II of 1911 has therefore been drafted.— *S. O & R.*

II. Leave to introduce the Bill was granted on 28-5-1912 (*T. G. G., dated 4-6-1912*. The Bill was published on 29-7-1913, and was introduced and referred to a Select Committee on 5-9-1913 (*T. G. G., dated 30-9-1913*). The Committee's Report was published on 5-5-1914, and was presented to, and considered by, the Council on 10-6-1914 (*T. G. G., dated 23-6-1914*). The Bill was finally read and passed on 21-6-1915 (*T. G. G., dated 6-7-1915*). The Regulation was published in the Gazette dated 10-8-1915,

Preliminary.

Short title, extent and commencement.

1. (1) This Regulation may be called the "Travancore Patents and Designs Regulation".

(2) It extends to the whole of Travancore.

(3) It shall come into force on the first day of Chingom 1091.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "Article" means (as respects designs) any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural:

(2) "Controller" means the Controller of Patents and Designs appointed under this Regulation:

(3) "Copyright" means the exclusive right to apply a design to any article in any class in which the design is registered:

(4) "Design" means any design applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined, but does not include any trade or property mark as defined in Sections 481 and 482 of the Travancore Penal Code:

(5) "Invention" means any manner of new manufacture and includes an improvement and an alleged invention:

(6) "Legal representative" means a person who in law represents the estate of a deceased person:

(7) "Manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(8) "Patent" means a patent granted under the provisions of this Regulation:

(9) "Patentee" means the person for the time being entitled to the benefit of a patent:

(10) "Prescribed" includes prescribed by Rules under this Regulation: and

(11) "Proprietor of a new and original design,"—

(a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(b) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(c) in any other case, means the author of the design; and where the property in, or the right to apply, the design, has devolved from the original proprietor upon any other person, includes that other person.

PART I.

Patents.

Application for and Grant of Patent.

Application.

3. (1) An application for a patent may be made by any person whether he is a Travancore subject or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at the Patent Office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application, one at least of the applicants, claims to be the true and first inventor or the legal representative or assign of such inventor and for which he desires to obtain a patent, and must be accompanied by a specification and by the prescribed fee.

(4) Where the true and first inventor is not a party to the application, the application must contain a statement of his name, and such particulars for his identification as may be prescribed, and the applicant must show that he is the legal representative or assign of such inventor.

Specification.

4. (1) The specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(2) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied with the specification or at any time before the acceptance of the application, and such drawings shall be deemed to form part of the specification.

(3) The specification must commence with the title and must end with a distinct statement of the invention claimed.

(4) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

Proceedings upon application.

5. (1) The Controller shall examine every application, and if he considers that—

(a) the nature of the invention is not fairly described, or

(b) the application, specification and drawings have not been prepared in the prescribed manner or relate to more than one invention, or

(c) the title does not sufficiently indicate the subject-matter of the invention, or

(d) the statement of claim does not sufficiently define the invention, or

(e) the invention as described and claimed is *prima facie* not a new manufacture or improvement,

he may refuse to accept the application or require that the application, specifiction or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Controller so directs, bear date as from the time when the requirement is complied with.

(2) Where the Controller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the Dewan.

(3) The investigations required by this Section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Dewan or any Officer by reason of, or in connection with, any such investigation, or any proceeding consequent thereon.

(4) Unless an application is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void:

Provided that where an application is made for an extension of time for the acceptance of an application, the Controller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

6. On the acceptance of an application, the Controller shall give notice thereof to the applicant and shall advertise the acceptance; and the application and specification with the drawings, if any, shall be open to public inspection.

Advertisement on acceptance of application.

7. Where an application for a patent in respect of an invention has been accepted, any use or publication of the invention during the period between the date of application and the date of sealing such patent, shall not prejudice the patent to be granted for the invention:

Use of invention on acceptance of application.

Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

8. After acceptance of an application and before sealing a patent, the Controller shall, if he thinks it advisable or is directed by the Dewan so to do, refer the specification for inquiry and report to any person whom he thinks fit.

Inquiry before sealing patent.

9. (1) Any person may, on payment of the prescribed fee, at any time within three months from the date of the advertisement of the acceptance of an application, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, namely:—

Opposition to grant of patent.

(*a*) that the applicant obtained the invention from him, or from a person of whom he is the legal representative or assign; or

(*b*) that the invention has been claimed in any specification filed in Travancore which is or will be of prior date to the patent, the grant of which is opposed; or

(*c*) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the specification; or

(*d*) that the invention has been publicly used in any part of Travancore or has been made publicly known in any part of Travancore;

but on no other ground.

(2) Where such notice is given, the Controller shall give notice of the opposition to the applicant, and shall, on the expiration of those three months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the Controller shall be subject to appeal to the Dewan.

Grant and sealing of patent.

10. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted, subject to such conditions, if any, as the Dewan thinks expedient, to the applicant, or in the case of a joint application, to the applicants jointly, and the Controller shall cause the patent to be sealed with the seal of the Patent Office.

(2) A patent shall be sealed as soon as may be, and not after the expiration of eighteen months from the date of application :

Provided that,

(*a*) where the Controller has allowed an extension of the time within which an application may be accepted, a further extension of four months after the said eighteen months shall be allowed for the sealing of the patent ;

(*b*) where the sealing is delayed by an appeal to the Dewan, or by a reference under Section 8, or by opposition to the grant of the patent, the patent may be sealed at such time as the Controller may direct ;

(*c*) where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death ;

(*d*) where in consequence of the neglect or failure of the applicant to pay any fee, a patent cannot be sealed within the period allowed by this Section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

Date of patent.

11. Except as otherwise expressly provided by this Regulation, a patent shall be dated and sealed as of the date of the application :

Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the specification.

12. (1) A patent sealed with the seal of the Patent Office shall subject to the other provisions of this Regulation, confer on the patentee the exclusive privilege of making, selling and using the invention throughout Travancore and of authorizing others so to do.

Effect, extent and form of patent.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim ; and it shall not be competent for any person in a suit or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

13. (1) A patent granted to the true and first inventor or his legal representative or assign shall not be invalidated by an application in fraud of him, or by protection obtained thereon or by any use or publication of the invention subsequent to that fraudulent application during the period of protection.

Fraudulent applications for patents.

(2) Where a patent has been revoked on the ground of fraud or on any other ground, the Controller may, on the application of the true inventor or his legal representative or assign made in accordance with the provisions of this Regulation, grant to him a patent in lieu of and bearing the same date as the patent so revoked for any invention comprised in the revoked patent to which he was entitled :

Provided that no suit shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Term of Patent.

14. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Regulation, be fourteen years from its date.

Term of patent.

(2) A patent shall, notwithstanding anything therein or in this Regulation, cease if the patentee fails to pay the prescribed fees within the prescribed times :

Provided that the Controller, upon the application of the patentee, shall, on receipt of such additional fee as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed

time and before any enlargement thereof, the Court before which the proceeding is taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

Extension of term of patent.

15. (1) A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the Dewan praying that his patent may be extended for a further term; but such petition must be left at the Patent Office at least six months before the time limited for the expiration of the patent and must be accompanied by the prescribed fee.

(2) Any person may give notice to the Controller of objection to the extension.

(3) Where a petition is presented under Sub-section (1), the Dewan may, as he thinks fit, dispose of the petition himself or refer it to the High Court for decision.

(4) If the petition be referred to the High Court, then on the hearing of such petition under this Section, the patentee and any person who has given notice under Sub-section (2) of objection, shall be made parties to the proceeding, and the Controller shall be entitled to appear and be heard.

(5) The High Court shall, in considering its decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such and to all the circumstances of the case.

(6) If it appears to the Dewan or to the High Court when the petition has been referred to it, that the patentee has been inadequately remunerated by his patent, the Dewan or the High Court, as the case may be, may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and subject to the payment of such fees as may be prescribed and containing any restriction, conditions and provisions which the Dewan or the High Court, as the case may be, may think fit:

Provided that any patent so extended or granted shall, notwithstanding anything therein or in this Regulation, cease if the inventor fails to pay before the expiration of each year the prescribed fee.

Restoration of lapsed patent.

16. (1) Where any patent has ceased owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Controller in the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional or unavoidable and that no undue delay has occurred in the making of the application, the Controller shall advertise the application in the prescribed manner, and within such time as may be prescribed, any person may give notice of opposition at the Patent Office.

(4) Where such notice is given, the Controller shall notify the applicant thereof.

(5) After the expiration of the prescribed period, the Controller shall hear the case and subject to an appeal to the Dewan, issue an order either restoring the patent subject to any conditions deemed to be advisable or dismissing the application:

Provided that in every order under this Section restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had ceased.

Amendment of Application or Specification.

Amendment of application or specification by Controller.

17. (1) An applicant or a patentee may at any time, by request in writing left at the Patent Office and accompanied by the prescribed fee, seek leave to amend his application or specification, including drawings forming part thereof, by way of disclaimer, correction or explanation, stating the nature of, and the reasons for, the proposed amendment.

(2) If the application for a patent has not been accepted, the Controller shall determine whether and subject to what conditions, if any, the amendment shall be allowed.

(3) In any other case, the request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within three months from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(4) Where such a notice is given, the Controller shall give notice of the opposition to the person making the request and shall hear and decide the case.

(5) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the Controller shall determine

whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) The decision of the Controller in either case shall be subject to an appeal to the Dewan.

(7) No amendment shall be allowed that would make the application or specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the application or specification as it stood before amendment.

(8) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all Courts and for all purposes be deemed to form part of the application or specification.

(9) This Section shall not apply when and so long as any suit for infringement or proceeding before a Court for the revocation of the patent is pending.

Amendment of specification by the Court.

18. In any suit for infringement of a patent or proceeding before a Court for the revocation of a patent, the Court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court, notice of the application shall be given to the Controller and the Controller shall have the right to appear and be heard.

Restriction on recovery of damages.

19. Where an amendment of a specification by way of disclaimer, correction or explanation has been allowed under this Regulation, no damages shall be given in any suit in respect of the use of the invention before the disclaimer, correction or explanation unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Register of Patents.

Register of patents.

20. (1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licenses under patents, and of amendments, extensions and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The Register of Patents shall be *prima facie* evidence of any matters directed or authorised to be inserted therein by this Regulation.

(3) Copies of deeds, licenses and any other documents affecting the proprietorship in any patent or in any license thereunder, must be supplied to the Controller in the prescribed manner for filing in the Patent Office, and, unless such copies have been so supplied, such deeds, licenses or other documents shall not be received as evidence of any transaction affecting a patent.

Patent to bind Our Government.

21. Subject to any conditions which the Dewan may have imposed, a patent shall have to all intents the like effect as against Our Government as it has against a subject:

Provided that the Officers or authorities administering any Department of the service of Our Government may, by themselves, their agents, contractors or others, at any time after the publication, use the invention for the service of Our Government on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Dewan, between those Officers or authorities and the patentee or, in default of agreement, as may be settled by the Dewan after hearing all parties concerned.

Compulsory Licenses and Revocation.

Compulsory licenses and revocation.

22. (1) Any person interested may present a petition to the Dewan which shall be left at the Patent Office, together with the prescribed fee, alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory license, or, in the alternative, for the revocation of the patent.

(2) The Dewan shall consider the petition, and if the parties do not come to an arrangement between themselves, the Dewan may, as he thinks fit, either dispose of the petition himself or refer it to the High Court for decision.

(3) The provisions of Sub-section (4) of Section 15, prescribing the procedure to be followed in the case of references made to the High Court under that Section, shall apply in the case of references made under this Section.

(4) If the Dewan is of opinion, or, where a reference has been made under Sub-section (2) to the High Court, that Court finds, that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered to grant licenses on such terms as the Dewan or the High Court, as the case may be, may think just, or, if the Dewan or the High Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licenses, the patent may be revoked by order of the Dewan or the High Court:

Provided that an order of revocation shall not be made before the expiration of four years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(5) For the purposes of this Section, the reasonable requirements of the public shall not be deemed to have been satisfied—

(a) if, by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry in Travancore is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process in not reasonably met ; or

(b) if any trade or industry in Travancore is unfairly prejudiced by the conditions attached by the patentee before or after the commencement of this Regulation to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(6) An order of the Dewan or of the High Court directing the grant of any license under this Section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the parties to the proceeding.

Revocation of patents worked outside Travancore.

23. (1) At any time not less than four years after the date of a patent granted under this Regulation, any person may apply to the Dewan for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside Travancore.

(2) The Dewan shall consider the application, and if after inquiry he is satisfied—

(a) that the allegations contained therein are correct; and

(b) that the applicant is prepared, and is in a position, to manufacture or carry on the patented article or process in Travancore; and

(c) that the patentee refuses to grant a license on reasonable terms;

then, subject to the provisions of this Section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Travancore or gives satisfactory reasons why the article or process is not so manufactured or carried on, the Dewan may make an order revoking the patent either—

(i) forthwith; or

(ii) after such reasonable interval as may be specified in the order unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within Travancore to an adequate extent.

(3) No order revoking a patent shall be made under the last Sub-section which is at variance with any treaty, convention, arrangement or engagement with the Paramount Power.

(4) The Dewan may, on the application of the patentee, extend the time limited in any order made under Sub-section (2), Clause (ii), for such period not exceeding two years as he may specify in a subsequent order, or revoke any order made under Sub-section (2), Clause (ii), or any subsequent order if sufficient cause is in his opinion shown by the patentee.

Power of Controller to revoke surrendered patent.

24. A patentee may at any time by giving notice in the prescribed manner to the Controller, offer to surrender his patent, and the Controller may, if after giving notice of the offer and hearing all parties who desire to be

heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

Revocation of patent on public grounds.

25. A patent shall be deemed to be revoked if the Dewan declares, by Notification in the Official Gazette, the patent or the mode in which it is exercised to be mischievous to the State or generally prejudicial to the public.

Legal Proceedings.

Petition for revocation of patent.

26. (1) Revocation of a patent in whole or in part may be obtained on petition to the High Court on all or any of the following grounds, namely :—

(*a*) that any invention included in the statement of claim is of no utility ;

(*b*) that any invention included in the statement of claim was not, at the date of the application for a patent, a new invention within the meaning of this Regulation ;

(*c*) that the applicant was not the true and first inventor thereof or the assign or legal representative of such inventor thereof ;

(*d*) that the original or any amended application or specification does not fulfil the requirements of this Regulation ;

(*e*) that the applicant has knowingly or fraudulently included in the application for a patent or in the original or any amended specification, as his invention, something which was not new or whereof he was neither the inventor nor the assign nor the legal representative of such inventor ;

(*f*) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement ;

(*g*) that a part of the invention or the manner in which a part is to be made and used as described in the

---

Sec. 26: Sub-sec. (3) of Sec. 26 of the Indian Act has the words—"or likely to be incurred"—between the words "incurred" and "by."

original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent or is injurious to the public.

(2) A petition for revocation of a patent may be presented—

(a) by the Head Sirkar Vakil or any person authorised by him; or

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights or of the rights of any person under or through whom he claims; or

(ii) that he, or any person under er through whom he claims, was the true and first inventor of any invention included in the claim of the patentee; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business or manufacture, had publicly manufactured, used or sold, within Travancore, before the date of the patent, anything claimed by the patentee as his invention

(3) The High Court may, irrespective of any provisions of the Code of Civil Procedure, in this behalf, require any person other than the Head Sirkar Vakil or any person authorised by him, applying for the revocation of a patent to give security for the payment of all costs incurred by any person appearing to oppose the petition.

Notice of proceedings to persons interested.

27. (1) Notice of any petition for revocation of a patent under Section 26 shall be served on all persons appearing from the Register to be proprietors of that patent or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is sent by Post or Anchal in a registred letter directed to the person and place for the time being stated in the Register.

Framing issue for trial before other Courts.

28. (1) The High Court may, if it thinks fit, direct an issue for the trial, before itself or any District Court, of any question arising upon a petition to itself under Section 26 and the issue shall be tried accordingly.

(2) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded and a copy thereof, certified by the Judge of the

Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the High Court and the High Court may thereupon act upon the finding of the District Court, or dispose of the petition upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Suit for infringement of patents.

29. (1) A patentee may institute a suit in a District Court having jurisdiction to try the suit against any person who, during the continuance of a patent acquired by him under this Regulation in respect of an invention, makes, sells or uses the invention without his license, or counterfeits it or imitates it.

(2) Every ground on which a patent may be revoked under this Regulation shall be available by way of defence to a suit for infringement.

Exemption of innocent infringer from liability for damages.

30. A patentee shall not be entitled to recover any damages in respect of any infringement of patent granted after the commencement of this Regulation from any defendant who proves that at the date of the infringement he was not aware nor had any reasonable means of making himself aware of the existence of the patent, and the marking of an article with the word "patent", "patented", or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this Section shall affect any proceedings for an injunction.

Order for inspection, etc. in suit.

31. In a suit for infringement of a patent, the Court may, on the application of either party, make such order for an injunction, inspection or account, and impose such terms and gives such directions respecting the same and the proceedings thereon, as the Court may see fit.

Certificate of validity questioned and costs thereon.

32. In a suit for infringement of a patent, the Court may certify that the validity of the patent came in question, and if the Court so certifies, then in any subsequent suit in that Court for infringement of the same patent, the plaintiff, on obtaining a final order or judgment in his favour, shall, unless the Court trying the suit otherwise directs, have his full costs, charges and expenses of, and incidental to the said suit properly incurred.

33. A Court making a decree in a suit under Section 29 or an order on a petition under Section 26 shall send a copy of the decree or order, as the case may be, to the Controller, who shall cause an entry thereof and reference thereto be made in the Register of patents.

Transmission of decrees and orders to the Controller.

34. (1) In a suit or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceedings, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance.

Hearing with assessor.

(2) A Court exercising appellate jurisdiction in respect of such suit or proceeding may, if it thinks fit, call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this Section shall in every case be determined by the Court and be paid by it as part of the expenses of the execution of this Regulation.

35. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring a suit against him in a District Court having jurisdiction to try the suit, and may obtain an injunction against the continuance of such threats and may recover such damage if any, as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the pereon making such threats:

Remedy in case of groundless threats of legal proceedings.

Provided that this Section shall not apply, if the person making such threats, with due diligence, commences and prosecutes a suit for infringement of his patent.

Miscellaneous.

36. Where, after the commencement of this Regulation, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a license without their consent, and, if any such person dies, his beneficial interests in the patent shall devolve on his legal representatives.

Grant of patents to two or more persons.

Novelty of invention.

37. (1) An invention shall be deemed a new invention within the meaning of this Regulation—

(a) if it has not, before the date of the application for a patent thereon, been publicly used in any part of Travancore, or been made publicly known in any part of Travancore, and

(b) if the inventor has not by secret or experimental user made direct or indirect profits from his invention in excess of such an amount as the Court or the Dewan, as the case may be, may, in consideration of all the circumstances of the case, deem reasonable.

(2) The public use or knowledge of an invention before the date of the application for a patent thereon shall not be deemed a public use or knowledge within the meaning of this Regulation if the knowledge has been obtained surreptitiously or in fraud of the true and first inventor or has been communicated to the public in fraud of such inventor or in breach of confidence:

Provided that such inventor has not acquiesced in the public use of his invention, and that within six months after the commencement of that use, he applies for a patent.

Loss or destruction of patent.

38. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Controller, the Controller may, at any time, on payment of the prescribed fee, seal a duplicate thereof.

Provisions as to exhibitions.

39. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Dewan, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application:

Provided that—

(a) the exhibitor, before exhibiting the invention, gives the Controller the prescribed notice of his intention to do so; and

(*b*) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) The Dewan may, by Notification in the Official Gazette, apply this Section to any exhibition mentioned in the Notification in like manner as if it were an industrial or international exhibition certified as such by the Dewan, and any such Notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Notification.

Models to be furnished to Trivandrum Museum.

40. The Director of the Trivandrum Museum may at any time require a patentee to furnish him with a model or sample of his invention on payment to the patentee of the cost of the manufacture of the model or sample, the amount to be settled, in case of dispute, by the Dewan.

Foreign vessels in Travancore waters.

41. (1) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any Court in Travancore or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in, or exported from, Travancore.

(2) This Section shall not extend to vessels of any foreign State of which the laws do not confer corresponding rights with respect to the use of inventions in Travancore vessels while in the Ports of that State, or in the waters within the jurisdiction of its Courts.

PART II.

Designs.

Registration of Designs.

Application for registration of designs.

42. (1) The Controller may, on the application of any person claiming to be the proprietor of any new or original design not previously published in Travancore register the design under this Part.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner and must be accompanied by the prescribed fee.

(3) The same design may be registred in more than one class, and in case of doubt as to the class in which a design ought to be registered, the Controller may decide the question.

(4) The Controller may, if he thinks fit, refuse to register any design presented to him for registration; but any person aggrieved by any such refusal may appeal to the Dewan.

(5) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time, shall be deemed to be abandoned.

(6) A design when registered shall be registered as of the date of the application for registration.

Registration of designs in new classes.

43. Where a design has been registered in one or more classes of goods, the application of the proprietor of the design to register it in some one or more of other classes shall not be refused; nor shall the registration thereof be invalidated—

(*a*) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or

(*b*) on the ground of the design having been previously published in Travancore, by reason only that it has been applied to goods of any class in which it was so previously registered,

Certificate of registration.

44. (1) The Controller shall grant a certificate of registration to the proprietor of the design when registered.

(2) The Controller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Register of Designs.

45. (1) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be prescribed.

(2) The Register of Designs shall be *prima facie* evidence of any matters directed or authorized to be entered therein by this Regulation.

Copyright in Registered Designs.

Copyright on registration.

46. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Regulation, have copyright in the design during five years from the date of registration.

(2) If, within the prescribed time before the expiration of the said five years, application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If, within the prescribed time before the expiration of such second period of five years, application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller may, subject to any Rules under this Regulation, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

Requirements before delivery on sale.

47. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

(a) (if exact representations or specimens were not furnished on the application for registration) furnish to the Controller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the Controller may erase his name from the Register, and thereupon the copyright in the design shall cease; and

(b) cause each article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and, if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design, unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Dewan by or on behalf of any trade or industry that in the interests of the trade or industry

it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this Section as to marking, the Dewan may, if he thinks fit, by rule under this Regulation, dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as he thinks fit.

Effect of disclosure on copyright.

48. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietors of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Inspection of registered designs.

49. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the Controller or by the Court, and furnishing such information as may enable the Controller to identify the design, and shall not be open to the inspection of any person except in the presence of the Controller, or of an Officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Provided that, where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under the Section for different classes of goods.

Information as to existence of copyright.

50. On the request of any person furnishing such information as may enable the Controller to indentify the design, and on payment of the prescribed fee, the Controller shall inform such person whether the registration

still exists in respect of the design, and, if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Industrial and International Exhibitions.

51. (1) The exhibition at an industrial or international exhibition certified as such by the Dewan, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof :

Provisions as to exhibitions.

Provided that—

(*a*) the exhibitor, before exhibiting the design or article or publishing a description of the design, gives the Controller the prescribed notice of his intention to do so; and

(*b*) the application for registration is made before or within six months from the date of the opening of the exhibition.

(2) The Dewan may, by Notification in the Official Gazette, apply this Section to any exhibition mentioned in the Notification in like manner as if it were an industrial or international exhibition certified as such by the Dewan, and any such Notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Notification.

Legal Proceedings.

52. (1) During the existence of copyright in any design it shall not be lawful for any person—

Piracy of registered design.

(*a*) for the purpose of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or,

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this Section, he shall be liable for every contravention—

(a) to pay to the registered proprietor of the design a sum not exceeding five hundred rupees recoverable as a contract debt, or

(b) if the proprietor elects to bring a suit for the recovery of damages for any such contravention, and for an injunction against the repetition thereof, to pay such damages as may be awarded and to be restrained by injunction accordingly :

Provided that the total sum recoverable in respect of any one design under Clause (a) shall not exceed one thousand rupees.

(3) When the Court makes a decree in a suit under Sub-section (2), it shall send a copy of the decree to the Controller, who shall cause an entry thereof to be made in the Register of Designs.

Application of certain provisions of the Regulation as to patents to designs.

53. The provisions of this Regulation with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee, shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

PART III.

General.

Patent Office and Proceedings thereat.

Patent Office.

54. (1) The Dewan may provide, for the purposes of this Regulation, an office which shall be called, and is in this Regulation referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the Controller of Patents and Designs, who shall act under the superintendence and direction of the Dewan.

(3) There shall be a seal for the Patent Office.

(4) Any act or thing directed to be done by or to the Controller may be done by or to any Officer authorised by the Dewan.

Officers and clerks.

55. The Dewan may appoint the Controller, and so many Officers and clerks, with such designations and duties as he thinks fit.

Fees.

Fees.

56. (1) There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Regulation, such fees as may be prescribed by the Dewan, so, however, that the fees prescribed in respect of the instruments and matters mentioned in the Schedule shall not exceed those there specified.

(2) A proceeding in respect of which a fee is payable under this Regulation or the Rules made thereunder shall be of no effect unless the fee has been paid.

Provisions as to Registers and other documents in the Patent Office.

Notice of trust not to be entered in Registers.

57. There shall not be entered in any Register kept under this Regulation or be receivable by the Controller, any notice of any trust, expressed, implied or constructive.

Inspection of, and extracts from, Registers.

58. Every Register kept under this Regulation shall at all convenient times be open to the inspection of the public, subject to the provisions of this Regulation; and certified copies, sealed with the seal of the Patent Office of any entry in any such Register shall be given to any person requiring the same on payment of the prescribed fee.

Privilege of reports of Controller.

59. Report of or to the Controller made under this Regulation shall not in any case be published or be open to public inspection.

Prohibition of publication of specification, drawings, etc., where application abandoned, etc.

60. (1) Where an application for a patent has been abandoned or has become void, the specifications and drawings, if any, accompanying or left in connection with such application, shall not, save as otherwise expressly provided by this Regulation, at any time, be open to public inspection or be published by the Controller.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application, shall not at any time be open to public inspection or be published by the Controller.

Power of Controller to correct clerical errors.

61. The Controller may, on request in writing accompanied by the prescribed fee,—

(a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;

(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the Register of Patents or the Register of Designs.

Entry of assignments and transmissions in Registers.

62. (1) Where a person claims to be entitled by assignment, transmission or other operation of law to a patent, or to the copyright in a registered design, the Controller shall, on request and on proof of title to his satisfaction, register his interest in such patent or design.

(2) Where any person claims to be entitled as mortgagee, licensee or otherwise to any interest in a patent or registered design, the Controller shall, on request and on proof of title to his satisfaction cause notice of the interest to be entered in the prescribed manner in the Register of Patents or Designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Regulation and to any rights appearing from the Register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, license or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other movable property.

Rectification of Register by High Court.

63. (1) The High Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the Register of Patents or Designs

of any entry, or by any entry made in either such Register without sufficient cause, or by any entry wrongly remaining on either such Register, or by an error or defect in any entry in either such Register, make such order for making, expunging or varying such entry as it may think fit.

(2) The High Court may in any proceeding under this Section decide any question that it may be necessary or expedient to decide in connection with the rectification of a Register.

(3) The prescribed notice of any application under this Section shall be given to the Controller who shall have the right to appear and be heard thereon.

(4) Any order of the High Court rectifying a Register shall direct that notice of the rectification, be served on the Controller in the prescribed manner, who shall, upon the receipt of such notice, rectify the Register accordingly.

Powers and Duties of Controller.

Powers of Controller in proceedings under Regulation.

64. Subject to any Rules in this behalf, the Controller in any proceedings before him under this Regulation shall have the powers of a Civil Court for the purpose of receiving evidence and administering oaths and enforcing the attendance of witnesses and compelling the production of documents and awarding costs.

Publication of patented inventions.

65. The Controller shall issue periodically a publication of patented inventions containing such information as the Dewan may direct.

Exercise of discretionary power by Controller.

66. Where any discretionary power is by or under this Regulation given to the Controller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of an application or of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of Controller to take directions of Dewan.

67. The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Regulation, apply to the Dewan for directions in the matter.

Refusal to grant patent, etc., in certain cases.

68. The Controller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Appeals to Dewan.

69. (1) Where an appeal is declared by this Regulation to lie from the Controller to the Dewan, the appeal shall be made within two months of the date of the order passed by the Controller, and shall be in writing, and accompanied by the prescribed fee.

(2) In calculating the said period of two months, the time, if any, occupied in granting a copy of the order appealed against shall be excluded.

(3) The Dewan may, if he thinks fit, obtain the assistance of an expert in deciding such appeals, and the decision of the Dewan shall be final.

Evidence, etc.

Certificate of Controller to be evidence.

70. A certificate purporting to be under the hand of the Controller as to any entry, matter or thing which he is authorised by this Regulation, or any Rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Transmission of certified printed copies of specifications, etc.

71. Copies of all specifications, drawings and the amendments left at the Patent Office after the commencement of this Regulation, printed for and sealed with the seal of the Patent Office, shall be transmitted as soon as may be, after they have been accepted or allowed at the Patent Office, to such authorities as the Dewan may appoint in this behalf, and shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

Application and notices by post.

72. Any application, notice or other document authorised or required to be left, made or given at the Patent Office or to the Controller, or to any other person under this Regulation, may be sent by Post or Anchal.

Declaration by infant, lunatic, etc.

73. (1) If any person is, by reason of infancy, lunacy or other disability, incapable of making any statement or doing anything required or permitted by or under this Regulation, the lawful guardian, committee or manager, if any, of the person subject to the disability or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such statement or a statement as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

(2) An appointment may be made by the Court for the purposes of this Section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the statement or the doing of the thing.

Agency.

Subscription and verification of certain documents.

74. The following documents, namely,—

(1) applications for a patent,

(2) notices of opposition,

(3) applications for extension of term of a patent,

(4) applications for the restoration of lapsed patents,

(5) applications for leave to amend,

(6) applications for compulsory license or revocation, and

(7) notices of surrenders of patent,

shall be signed and verified, in the manner prescribed, by the person making such applications or giving such notices :

Provided that, if such person is absent from Travancore, they may be signed and verified on his behalf by an agent resident in Travancore authorized by him in writing in that behalf.

Agency.

75. (1) All other applications and communications to the Controller under this Regulation may be signed by, and all attendances upon the Controller may be made by or through a legal practitioner or by or through an agent authorised to the satisfaction of the Controller.

(2) The Controller may, if he sees fit, require—

(*a*) any such agent to be resident in Travancore ;

(*b*) any person not residing in Travancore to employ an agent residing in Travancore ;

(*c*) the personal signature or presence of any applicant, opponent or other person.

Powers, etc. of the Dewan.

Power of Dewan to make Rules.

76. (1) The Dewan may, with Our sanction, make such Rules as he thinks expedient, subject to the provisions of this Regulation—

(*a*) for regulating the practice of registration under this Regulation ;

(*b*) for classifying goods for purposes of designs ;

(c) for making or requiring duplicates of specifications, drawings and other documents;

(d) for securing and regulating the publishing and selling of copies, at such prices and in such manner as the Dewan thinks fit, of specifications, drawings and other documents;

(e) for securing and regulating the making, printing, publishing and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents;

(f) generally for regulating the business of the Patent Office, the conduct of proceedings before the Controller, and all things by this Regulation placed under the direction or control of the Controller or of the Dewan; and

(g) generally for the purpose of carrying into effect the provisions of this Regulation.

(2) The power to make Rules under this Section shall be subject to the condition of the Rules being made after previous publication.

(3) All Rules made under this Section shall be published in the Official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Offences.

Wrongful use of words "Patent Office."

77. If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office" or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with further fine of twenty rupees for each day on which the offence is continued after conviction therefor.

Saving.

Saving for Prerogative.

78. Nothing in this Regulation shall take away, abridge or prejudicially affect the Prerogative of His Highness the Maha Raja of Travancore in relation to the granting of any letters patent or to the withholding of a grant thereof.

THE SCHEDULE.

(Section 56.)

FEES

	Rs.
On application for a patent	10
Before sealing a patent	30
Before the expiration of the 4th year from the date of the patent ...	50
Before the expiration of the 5th year from the date of the patent ...	50
Before the expiration of the 6th year from the date of the patent ...	50
Before the expiration of the 7th year from the date of the patent ...	50
Before the expiration of the 8th year from the date of the patent ...	50
Before the expiration of the 9th year from the date of the patent ...	100
Before the expiration of the 10th year from the date of the patent ...	100
Before the expiration of the 11th year from the date of the patent ...	100
Before the expiration of the 12th year from the date of the patent ...	100
Before the expiration of the 13th year from the date of the patent ...	100
Provided that the fees for two or more years may be paid in advance.	
On application to extend term of a patent	50
Before the expiration of each year of the extended term of a patent or of a new patented grant under Section 15	100
On application for registration of a design	3

PATENTS AND DESIGNS RULES.

CONTENTS.

CHAPTER I.

Preliminary.

1. Short title and commencement.
2. Definitions.
   (a) "The Regulation."
   (b) "Office."
   (c) "Controller."
3. Communications to the Office.
4. Fees.
5. Application, &c., to be accompanied by the prescribed fee.
6. Forms.

Documents.

7. Size, &c., of documents.
8. Signature and verification of documents specified in Sec. 74 of the Regulation.
9. Agency.

CHAPTER II.

Patents.

Applications for Grant of Patent.

10. Application.

Specifications.

11. Specification.
12. Amendments how to be made.

Drawings with applications for Patents.

13. Size of drawings, &c.

Opposition to grant or amendment, &c., of Patent.

14. Notice of opposition.
15. Filing of statements.
16. Hearing.

Sealing of Patents.

17. Sealing.
18. Form of Patent.

Restoration of a lapsed Patent.

19. Restoration of lapsed patents.
20. Opposition.

Amendment.

21. Amendment.
22. Procedure when patent has been accepted.
23. Opposition.

Surrender of Patent.

24. Surrender of patent.
25. Opposition.

CHAPTER III.

Designs.

26. Classification of goods.
27. Address for service.

Application to register a Design

28. Application.
29. Copies and specimens of design.

Procedure on receipt of application.

30. Acceptance.
31. Objections.
32. Decision of Controller.
33. Date for appeal.
34. Non-completion within six months.
35. Extension of period of copyright in registered design.
36. Marking of articles before delivery on sale.
37. Inspection of designs.
38. Requests for information.

CHAPTER IV.

General.

Registers of Patents and Designs.

39. Requests under Sec. 62 of the Regulation.
40. Rectification of the Register.

Appeals.

41. Appeals.

Miscellaneous powers of the Controller.

42. Exercise of discretionary power of Controller.
43. Controller may require statement.
44. Controller may direct advertisement in newspapers.
45. General powers of amendment.
46. General power to enlarge time.

Schedules.—I. Fees.
II. Forms.
III. Model form of Patent.
IV. Classification of goods for designs.

In exercise of the powers conferred by Sections 56 and 76 (1) of the Travancore Patents and Designs Regulation, X of 1090, the following Rules are made, with the sanction of His Highness the Maha Raja, under date the 6th October 1916 (a)

CHAPTER I.

Preliminary.

Short title and commencement.

1. These Rules may be called the Travancore Patents and Designs Rules, 1091.

(a) *T. G. G., dated 17-10-1916, Pt. I, Pp. 1009—1035.*

They shall come into force on the first day of Thulam 1092.

Definitions.

2. In these Rules, unless there is anything repugnant in the subject or context :—

(a) "The Regulation" means the Travancore Patents and Designs Regulation, X of 1090:

(b) "Office" means the Patent Office provided under Section 54 of the Regulation :

(c) "Controller" means the Controller of Patents and Designs appointed under Section 55 of the Regulation, and includes an Officer appointed to act for him.

Communications to the Office.

3. Any application, notice, or other document, and any fee, authorised or required to be left, made, given or paid at the Office, or to the Controller, may be sent by hand or through the Post or Anchal addressed to the Controller of Patents and Designs, Trivandrum, and, if so sent, shall be deemed to have been left, made, given or paid on the day of receipt.

Fees.

4. (1) The fees to be paid under the Regulation shall be those specified in the first Schedule to these Rules, hereinafter described as the prescribed fees.

(2) Fees may be paid in cash at the Office, or may be sent by money order or Anchal Hundi or postal order or cheque payable to the Controller at Trivandrum. Cheques not carrying the correct addition for commission, and other cheques on which the full value cannot be collected in cash within the time allowed for payment of the fee, will only be accepted at the discretion of the Controller. Stamps will not be received in payment of fees.

Application, etc., to be accompanied by the prescribed fee.

5. All applications, notices, requests, appeals or documents on which a fee is leviable under these Rules shall be accompanied by the prescribed fee.

Forms.

6. The forms set forth in the second Schedule to these Rules, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Documents.

Size, etc., of documents.

7. (1) All documents and copies of documents, except drawings, sent to or left at the Office or otherwise furnished to the Controller, shall be written, typewritten, lithographed, or printed, in the English language (unless otherwise directed) in large and legible characters with deep permanent ink upon strong white paper, and on

one side only, of a size approximately of 13 inches by 8 inches, leaving a margin of at least one inch and a half on the left-hand part thereof. Signatures thereto must be written in a large and legible hand, and a vernacular signature must be accompanied by a transliteration in English.

(2) Duplicate documents shall be filed at the Office, if at any time required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full, together with such other particulars of nationality, caste or calling as are necessary for identification.

Signature and verification of documents specified in Section 74 of the Regulation.

8. The documents specified in Section 74 of the Regulation shall be dated and signed at the foot, and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them.

Agency.

9. (1) For all matters falling under the provisions of Section 75 of the Regulation, any person may, unless otherwise directed by the Controller, authorise under his personal signature, any other person to act as his agent and to receive all notices, requisitions and communications. The authority may be given on Form 25.

(2) If he does not desire to authorise any other person to act as his agent, but wishes notices, requisitions and communications to be sent to a particular address, he may notify the same to the Controller on Form 26.

CHAPTER II.

Patents.

Applications for Grant of Patent.

Application.

10. (1) An application under Section 3 of the Regulation for a patent shall be made on Form 1 or Form 2, and shall be accompanied by a specification, prepared in duplicate in accordance with Form 3.

(2) Applications shall, as far as may be practicable, be numbered and dated in the order of their receipt.

(3) If the true and first inventor, or any other applicant, is in the service of Our Government, he shall disclose that fact in the application and shall state the office he holds.

(4) If the true and first inventor does not wish to be a party to the application, the applicant shall produce the original deed of assignment or other document under which he is enabled to apply for a patent, unless the application itself is endorsed by the true and first inventor in the presence of two witnesses

with a statement that the said inventor agrees that the application shall be made without his name as an applicant for a patent.

(5) If the application is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection a certificate under Regulation IX of 1090, or a certified copy of such certificate or such other evidence of his title as the Controller may require.

Specifications

Specifications.

11. (1) The specification shall commence with the title of the invention and the name of the applicant as in the application. It shall terminate with a clear and succinct statement of the invention claimed, distinct from the body of the specification, and shall be signed by the applicant or his agent.

(2) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with Rule 13 and shall be supplied with, and referred to in detail in, the specification.

(3) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

Amendments how to be made.

12. (1) When the specification, or any drawing accompanying it, is defective and requires amendment, one copy shall be returned to the applicant or his agent and all alterations shall be made thereon as far as possible. Additional matter may be interpolated if necessary by re-writing such pages as are required to form a continuous document. Amendments shall *not* be made by slips pasted on, or as foot-notes, or by writing in the margin. The amended documents shall be returned to the Controller together with the cancelled pages or drawings, if any, and with a duplicate of any pages or drawings that have been amended or added.

(2) Amendments, alterations or additions shall be initialled by the applicant or his agent.

(3) No amendments, alterations or additions shall be made in a document returned for amendment beyond those necessary to comply with the requirements of the Controller.

(4) When a specification comprises more than one invention, and it is considered by the Controller or the applicant that the application should be restricted to one invention, the additional inventions may be made the subject-matter of additional applications. Any such applications, if made before the acceptance of the original application, shall, on the request of the applicant, bear date of the original application and shall be proceeded with as substantive applications of that date.

Drawings with applications for Patents.

13. (1) Drawings shall be supplied in duplicate on sheets 13 inches in height and either 8 or 16 inches in width. A clear margin of half an inch shall be left round each sheet. The figures of the drawing shall be numbered consecutively, Fig. 1, Fig. 2, etc., and shall be placed upright on the sheets. Reference figures and letters shall be clear and bold, not less than $\frac{1}{8}$ of an inch in height, and the same letters shall be used for the same parts in different views or drawings. The sheets of drawings, when more than one, shall be numbered consecutively, the number of each sheet being shown in the right-hand top corner. Each sheet shall be signed by the applicant or his agent in the bottom right-hand corner.

Size of drawings, etc.

(2) No written description of the invention shall appear on the sheets of drawings.

(4) At least one copy of the drawings shall be suitable for reproduction and, for that purpose, shall be prepared on tracing cloth or on smooth white paper which is not opaque All lines and lettering shall be executed with Indian ink of good quality. Coloured lines and washes shall not be used. The lines and lettering shall be firm and even, and section lines shall not be closely drawn. The scale adopted shall be large enough to show the invention clearly.

(3) Drawings shall be delivered flat or rolled so as to be free from creases.

Opposition to grant or amendment, etc., of Patent.

14. Notice of opposition to the grant, or to the amendment, etc., of a patent shall be given in duplicate on Form 5. The duplicate notice shall be sent by the Controller to the applicant or his agent.

Notice of opposition.

15. (1) Within 14 days of giving notice of opposition, the opponent may and shall, if at any time so required by the Controller, leave at the Office a full written statement in duplicate of the reasons for, and extent of, his opposition, and of the grounds upon which he relies in support of his opposition.

Filing of statements.

(2) If the written statement referred to in Clause (1) is supplied, the Controller shall furnish the applicant or his agent with the duplicate copy thereof, and the applicant or his agent may leave at the office a reply in writing within a time to be specified by the Controller. Such reply shall deal in full with the statement of the opponent and shall be in duplicate.

(3) If the reply referred to in Clause (2) is supplied by the applicant, the Controller shall furnish the opponent or his agent with the duplicate copy thereof, and the opponent or his agent may again leave at the Office a rejoinder in writing within a time to be specified by the Controller. Such rejoinder shall be

confined strictly to matters in reply, and shall be in duplicate. The duplicate copy shall be sent by the Controller to the applicant or his agent.

(4) The Controller may require at any time that any written statement, reply or rejoinder shall be in the form of an affidavit.

(5) The time ordinarily allowed for filing a reply or rejoinder shall be one month.

Hearing.

16. (1) On completion of these proceedings, if any, or at such other time as he may see fit, the Controller shall appoint a time for the hearing of the case, and shall give the parties not less than ten days' notice of such appointment. If either party does not desire to be heard, he shall as soon as possible notify the Controller to that effect. If either party desires to be heard, he must leave a notice of his intention to attend the hearing on Form 6, together with a fee of Rs. 10, at the Office. The Controller may refuse to hear any party who has not left such notice and fee at least two clear days before the date fixed for the hearing.

(2) After hearing the party or parties desirous of being heard or, if neither party desires to be heard, then without a hearing, the Controller shall decide the case and notify his decision to the parties.

Sealing of Patents.

Sealing.

17. (1) If an applicant desires to have a patent sealed on his application, he shall, within the period allowed by Section 10, Sub-section 2, of the Regulation, leave at the Office an application in Form 7.

(2) Where the applicant neglects or fails to pay the fee prescribed within the time allowed, the time may be extended for a period not exceeding three months. An application for such extension of time shall be made on Form 4 and shall be accompanied by a fee of Rs. 10, Rs. 20, or Rs. 30, for an extension of one, two or three months, respectively.

Form of patent.

18. The patent shall be in the form given in the third Schedule to these Rules, with such modifications as the circumstances of each case require.

Restoration of a lapsed Patent.

Restoration of lapsed patents.

19. (1) Application under Section 16 of the Regulation for the restoration of a lapsed patent shall be made on Form 9.

(2) If the Controller entertains the application, he shall advertise it in Our Government Gazette.

Opposition.

20. Notice of opposition to the restoration may be given on Form 5 within six weeks of the advertisement and the procedure for the disposal of such opposition shall be regulated by the provisions of Rules 14, 15 and 16.

Amendment.

Amendment.

21. A request under Section 17 of the Regulation for the amendment of an application, specification or drawings (not being a request under Section 61 of the Regulation for correction of a clerical error) shall be made on Form 10 and shall be accompanied by a copy of the application, specification or drawings showing in red ink the proposed amendment in such a manner as to indicate clearly the alteration desired.

Procedure when patent has been accepted.

22. If the request relates to an application for a patent which has been accepted, the request and the nature of the proposed amendment shall be advertised by Notification in Our Government Gazette and in such other manner, if any, as the Controller may in each case direct under Rule 44. The Controller shall also notify all persons whose names are entered at the time of the request on the Register as claiming an interest in the patent.

Opposition.

23. Notice of opposition to the amendment may be given on Form 5 within three months of the date of the Notification, and the procedure for the disposal of such opposition shall be regulated by the provisions of Rules 14, 15, and 16.

Surrender of Patent.

Surrender of Patent.

24. Notice of an offer under Section 24 of the Regulation to surrender a patent shall be made on Form 11. The Controller shall advertise the offer in Our Government Gazette, and shall notify all persons whose names are entered at the time of the offer on the Register as claiming an interest in the patent.

Opposition.

25. Within six weeks of the advertisement, any person may give notice of opposition to such surrender. After the expiration of such six weeks, the Controller may, if a notice of opposition has been given, appoint a hearing if he sees fit, and shall decide whether the patent shall be revoked.

CHAPTER III.

Designs.

Classification of goods.

26. (1) For the purposes of the registration of designs and of these Rules, goods shall be classified in the manner specified in the fourth Schedule hereto.

(2) If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Controller.

Address for service.

27. An address for service in Travancore shall be given, in all applications and other communications to the Controller in connection with designs. Unless such an address is given, the Controller need not proceed with the examination of an application, nor send any notice that may be required by the Regulation or these Rules.

Application to Register a Design.

28. (1) An application under Section 42 of the Regulation for the registration of a design shall be made on Form 14 and shall be accompanied by four copies of the design and shall be dated and signed by the applicant or his agent.

Application.

(2) The application shall state the class in which the design is to be registered, and the article or articles to which the design is to be applied. Where it is desired to register the same design in more than one class, a separate application shall be made in each class.

(3) If so required by the Controller, the applicant shall state the purpose for which the article is used and the material or predominating material of which the article is made, and shall give a brief statement of the novelty claimed for the design.

29. (1) The four copies of the design, which in accordance with Rule 28 must accompany the applicatoin, shall be exactly similar drawings, photographs, tracings, or other representations of the design or shall be specimens of the des'gn.

Copies and specimens of design.

(2) Each representation shall show the complete design and shall be on paper, or mounted on paper of a size of 13 by 8 inches, and on one side only. Drawings or tracings shall be made in black ink.

(3) When the specimens are not, in the opinion of the Controller, suitable for record in the office, they shall be replaced by representations.

(4) If the Controller in any case so requires, he shall be supplied with one or more representations or specimens of the design in addition to those supplied with the application.

(5) Where words, letters, or numerals are not of the essence of the design, they shall be removed from the representations or specimens.

Procedure on Receipt of Application.

30. Upon receipt of an application for registration, the Controller shall consider it, and if he thinks there is no objection to the design being registered, he may accept it.

Acceptance.

31. If, after consideration of the application, any objections appear to the Controller, a statement of these objections shall be sent to the applicant or his agent in writing, and unless within one month the applicant or his agent applies for a hearing, he shall be deemed to have withdrawn his application.

Objections.

32. The decision of the Controller at such hearing as aforesaid shall be communicated to the applicant or his agent in writing and if he objects to such decision, he may within one month, should he consider it necessary for the purpose of appeal, apply upon Form 15,

Decision of Controller.

requiring the Controller to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Date for appeal.

33. Upon receipt of such form, the Controller shall send to the applicant or his agent such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Controller's decision for the purpose of appeal.

Non-completion within six months.

34. An application which, owing to any neglect or default of an applicant, has not been completed so as to enable registration to be effected within six months of the date of application, shall be deemed to be abandoned.

Extension of period of copyright in registered design.

35. Applications under Section 46, Sub-sections (2) and (3), of the Regulation, for the extension of the period of copyright in registered designs may be made at any time not more than six months and not less than one month before the time of the expiry of the copyright. The application shall be made on Form 16.

Marking of articles before delivery on sale.

36. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED, or with the abbreviation REGD., or with the abbreviation RD., as he may choose, and also (except in the case of articles to which have been applied designs registered in classes 9, 13, 14 and 15) with the number appearing on the certificate of registration.

Inspection of designs.

37. Registered designs shall not, except as provided in Section 49 of the Regulation, be open to inspection until five years after the date of application for registration.

Requests for information.

38. A request for information under Section 50 of the Regulation may be made on Form 18. If the number of the registered design is not known, two copies of the design, in respect of which inquiry is made, shall accompany the application.

CHAPTER IV.

General.

Registers of Patents and Designs.

Requests under Section 62 of the Regulation.

39. Requests under Section 62 of the Regulation to enter a claim to any interest in a patent or registered design shall be made on Form 21, accompanied by the document under which the claim is made, and an attested copy thereof. If, however, the document is a matter of record, an official or certified copy thereof may be produced unless the Controller otherwise directs.

Rectification of the Register.

40. Ten clear days' notice of every application to the Court under Section 63 of the Regulation for rectification of the Register shall be given to the Controller.

Appeals.

41. (1) An appeal to the Dewan from the decision of the Controller shall be made on Form 24 and shall be left at the Office in duplicate and shall show fully the reasons for appealing and the grounds on which objection is taken to the decision.

Appeals.

(2) The Controller shall forward one copy to the Dewan through the Chief Secretary to Our Government who shall notify the appellant of its receipt.

Miscellaneous powers of the Controller.

42. Before exercising any discretionary power given to the Controller by the Regulation or these Rules adversely to the applicant for a patent, or for amendment of an application or specification, the Controller shall (under Section 66 of the Regulation) give notice to the applicant or his agent and shall, if so required within one month of the date of such notice, appoint a date for a hearing in the matter and shall give ten days' notice thereof.

Exercise of discretionary power of Controller.

43. Whether an applicant or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and make explanations with respect to such matters as the Controller may require.

Controller may require statement.

44. Applications for extension of the term of a patent under Section 15, or for amendment under Section 17, shall, if so directed by the Controller, be advertised by the applicant in not less than two newspapers published in Travancore. Copies of the newspapers containing those advertisements shall be supplied to the Controller.

Controller may direct advertisement in newspapers.

Advertisement of such applications shall be made by the Controller by Notification in Our Government Gazette.

45. Any document for the amending of which no special provision is made by the Regulation may be amended, and any irregularity in procedure which, in the opinion of the Controller, may be obviated without detriment to the interest of any person, may be corrected, if the Controller think fit, and upon such terms as he may direct.

General powers of amendment.

46. The time prescribed by these Rules for doing any act or taking any proceeding thereunder may be enlarged by the Controller, if he thinks fit, and upon such terms as he may direct.

General power to enlarge time.

SCHEDULES.

I.—Fees, Section 56 and Rule 4.

II.—Forms, Rule 6.

III.—Model Form of Patent, Section 12 (2) and Rule 18.

IV.—Classifications of goods for designs, Sections 42 (3) and 76 (1) (*b*) and Rule 26.

THE FIRST SCHEDULE.

Vide Section 56 and Rule 4.

Fees.

Number of entry.	On what payable.	Number of Form.	Proper fee. Rs.	Ch.
1	On application for a patent under Section 3 ...	1 or 2	10	0
2	For extension of time to accept application under Section 5 (4) ...	4	20	0
3	On notice of opposition under Section 9 (1) ...	5	5	0
4	On hearing by Controller under Section 9 (2). By applicant and opponent respectively. ...	6	10	0
5	Before sealing under Section 10 (1) ...	7	30	0
6	On extension of time for sealing under Section 10 (2) (*d*) ...	4	...	
	One month ...	...	10	0
	Two months ...	...	20	0
	Three months ...	...	30	0
7	On certificate of renewal under Section 14 ...	8	...	
	Before expiration of 4th year in respect of the 5th year ...	...	50	0
	Before expiration of 5th year in respect of the 6th year ...	...	50	0
	Before expiration of 6th year in respect of the 7th year ...	...	50	0
	Before expiration of 7th year in respect of the 8th year ...	...	50	0
	Before expiration of 8th year in respect of the 9th year ...	...	50	0

Number of entry.	On what payable.	Number of Form	Proper Fee. Rs.	ch.
7	On certificate of renewal under Section 14.—*Concld.*			
	Before expiration of 9th year in respect of the 10th year ...	...	100	0
	Before expiration of 10th year in respect of the 11th year ...	...	100	0
	Before expiration of 11th year in respect of the 12th year ...	...	100	0
	Before expiration of 12th year in respect of the 13th year ...	...	100	0
	Before expiration of 13th year in respect of the 14th year ...	...	100	0
	Note.			
	The fees for two or more years may be paid in advance.			
8	On enlargement of time for payment of renewal fees under Section 14 (2) ...	4	...	
	One month ...	...	10	0
	Two months ...	...	20	0
	Three months ...	...	30	0
9	On petition for extension of term of patent under Section 15 ...	...	50	0
10	On certificate of renewal in respect of each year under Section 15 ...	...	100	0
11	On application for restoration of lapsed patent under Section 16 ...	9	100	0
12	On opposition to restoration under Section 16 ...	5	5	0
13	On hearing by Controller under Section 16			
	By applicant and opponent, respectively	6	10	0
14	On application to amend under Section 17 ...	10	...	
	Before acceptance	...	10	0
	After "	...	20	0
15	On opposition to amendment under Section 17 (3)	5	5	0
16	On hearing by Controller under Section 17 (4)			
	By applicant and opponent, respectively	6	10	0

Number of entry.	On what payable.	Number of Form	Proper Fee.	
			Rs.	ch.
17	On petition for compulsory license or revocation under Sections 22 and 23 ...	...	10	0
18	On offer to surrender a patent under Section 24...	11	10	0
19	For duplicate of a patent under Section 38 ...	12	10	0
20	On notice to Controller of intended exhibition of an invention or design under Section 39 or 51	13	5	0
21	On request to register design under Section 42...	14	...	
	in Classes 1 to 6 and Class 16 ...	...	3	0
	in Classes 7 to 15	...	0	14
22	On request for written decision under Rule 32 ...	15	5	0
23	On request to extend copyright under Section 46	16	10	0
24	On request to inspect under Section 49 ...	17	1	0
25	On request for information under Section 50 ...	18	...	
	when number is given ...	...	2	0
	when number is not given ...	...	4	0
26	On inspection of the register under Section 58...	...	1	0
27	On request for certificate under Section 58 ...	19	2	0
	An additional fee of 7 chs. for every 100 words in excess of 400 words will be charged. Drawings will be charged according to agreement.			
28	On request to correct or cancel entry in register under Section 61 ...	20	3	0
29	On request to enter claim in register under Section 62	21	5	0
30	On request to alter address in register ...	22	1	0
31	On entry of order of Court under Section 63 (4)...	23	3	0
32	On appeal from the Controller to the Dewan under Section 69 ...	24	10	0

THE SECOND SCHEDULE.

Forms.

List of Forms.

Form No.	Regulation Section.	Title.	Fee.
			Rs.
1	3	Application for patent ...	10
2	3	,, ,, ...	10
3	4	Specification ...	...
4	5 (4), 10 (2), 14 (2).	Application for extension of time ...	10, 20, 30
5	9 (1), 16, 17.	Notice of opposition ...	5
6	9 (2), 16, 17.	Notice of intention to attend hearing ...	10
7	10	Request for sealing ...	30
8	14	Request for certificate or renewal ...	50 or 100
9	16	Application for restoration of patent ...	100
10	17	Application to amend ...	10 or 20
11	24	Offer to surrender patent ...	10
12	38	Application for duplicate patent ...	10
13	39 and 51	Notice of intended exhibition ...	5
		DESIGNS.	
14	42	Application for Registration ...	Chs. 14 or Rs. 3
15	...	Request for grounds of decision ...	5
16	46	Application for extension of copyright ..	10
17	49	Request to inspect design ...	1
18	50	,, for information ...	2 or 4
		GENERAL.	
19	58	Request for certificate ...	2
20	61	,, to cancel or correct ...	3
21	62	,, for entry in register ...	5
22	62	,, for entry of address ...	1
23	63	Entry of order of Court ...	3
24	5 (2), 9 (3), 16 (5), 17 (6), 42 (4), 69	Appeal ...	30
25	75	Power of authority to agent ...	...
26	75	Statement of address ...	...

FORM 1.

FEE
Rs. 10.

[Form to be used when the true and first inventor is sole or joint applicant.]

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Application for Patent, Section 3

To be accompanied by the specification on Form 3 in duplicate.

I (or we) 1 ______________________________

1 Insert name, calling and address. ______________________________

do hereby declare :—

(I) that I am (or we are) in possession of an invention of which the title is 2 ______________________________

2 insert title.

(II) that I (or we) (or the said 3————) claim to be the true and first inventor thereof.

3 insert name.

(III) that the invention is not in use by any other person.

(IV) that the specification filed with this application is, or any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates.

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this———day of———11——

Date and sign. (Signed)..................

To

The Controller of Patents,

Trivandrum.

FEE
Rs. 10.

FORM 2.

[Form to be used when the true and first inventor is NOT a party to application.]

TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Application for Patent. Section 3.

To be accompanied by the specification on Form 3 in duplicate.

I (or we) [1] ______________________________

______________________________ do hereby declare :—

1 insert name, calling and address.

(I) that I am (or we are) in possession of an invention of which the title is [2] ______________________________

2 insert title.

(II) that I (or we) (or the said 3-————) claim to be the assign of (or the legal representative of 4 ————————— who claims and is believed to be the true and first inventor thereof.

3 insert name.
4 insert full name, address and calling of true and first inventor.
See notes.

(III) that the invention is not in use by any other person.

(IV) that the specification filed with this application is, or any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates.

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this———day of———11——

Date and sign. Signed————————

To

The Controller of Patents,
Trivandrum.

If the inventor does not wish to be a party to the application, the applicant shall produce for inspection by the Controller the original deed of assignment or other document under which he is enabled to apply for a patent and shall supply a copy thereof to

Note 1.

be retained by the Controller, unless the application itself is endorsed in the following form signed by the inventor.

I ____

Insert full name, calling and address. ______________________________

referred to on the reverse of this document as claiming to be the true and first inventor agree that the said application shall be made without my name as an applicant for a patent.

Dated this——————day of—————————— ——— 11———

Signed______________________________

Signature of two witnesses. ______________________________

To

The Controller of Patents,

Trivandrum.

If the application is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection a certificate under Regulation IX of 1090, or an official copy of such certificate, or such other evidence of his title as the Controller may require.

Note 2.

FORM 3.

[To be supplied in duplicate with Form 1 or Form 2.]

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Specification. Section 4.

No fee.

1. Insert title verbally agreeing with that in the application form.
2. Insert name, calling and address of applicants as in application.

1 ______________________________

2 ______________________________

3. Here begin full description of the invention. The continuation of the specification should be upon wide ruled paper of a size approximately of 13 inches by 8 inches, on one side only, with a margin of 1½ inches on the left hand part of the paper. The completion of the description should be followed by the words;

The following specification particularly describes and ascertains the nature of the invention and the manner in which the same is to be performed :—

3 ______________________________

____

____

____

____

I (or we) claim :— After which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated thus. Dated the day of 11 .

NOTE :—In the preparation of the claim or claims, careful attention should be paid to the terms of Rule 11 of the Travancore Patents and Designs Rules 109 . Any unnecessary multiplicity of claims or prolixity of language should be avoided.

FORM 4.

FEE. Rs. 10, 20 or 30. See note below.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Applicaion for Extension of Time, Section 5, 10 or 14,

1 Insert name, calling and address.

I (or we) 1 ______________________

____

2 a, b, c, strike out when not applicable. Quote number and year of application or patent.

do hereby apply for—months' extension of time :—

2
- a. Under Section 5 (4) for the acceptance of the application for a patent No.——of——.
- b. Under Section 10 (2) (d) for the sealing of a patent on application No——of——.
- c. Under Section 14 (2) for payment of renewal fees on patent No.——of——.

The reasons for making this application are as follows :—

3 Insert reasons.

____

____

____

4 Insert address.

My (or our) address for service in Travancore is 4 :—

Date and sign.

Dated this——day of——11 .

Signed——

To

The Controller of Patents,
Trivandrum.

NOTE.——Time allowed and fees payable—

a Three months, Rs. 20.

b or *c*. One month, Rs. 10; two months, Rs 20; three months, Rs. 30.

FEE Rs. 5.

FORM 5.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Notice of opposition, Section 9, 16, or 17.

(To be supplied in duplicate.)

1 Insert name, calling and address.

I (or we) 1——

do hereby give notice of my (or our) intention to oppose—

2 *a*, *b*, *c*, strike out when not applicable.

2 { *a*. Under Section 9, the grant of a patent.
b. Under Section 16, the restoration of lapsed patent.
c. Under Section 17, the amendment.

3 Insert number, date and title.

upon application for patent No. 3——of 109 , entitled——

4 Insert name of person making application which is opposed.

applied for by 4——

The grounds of opposition are as follows 5 :—

5 Insert grounds.

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in Travancore is 6 :—

6 Insert address. ________________________

____

Date and sign.

Dated this———day of———11———

Signed ________________

To

The Controller of Patents,

Trivandrum.

FORM 6.

FEE Rs. 10.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Notice of intention to attend hearings of opposition, Sections 9, 16 and 17.

---

1 Insert name, calling and address.

I (or we)[1] ________________________

____

2 Insert particulars

hereby give notice that the hearing in reference to 2____

____

will be attended by myself (or ourselves) or by some person on my (or our) behalf.

Date and sign.

Dated this———day of ———11———

Signed________________

To

The Controller of Patents,

Trivandrum.

NOTE.—The Controller may refuse to hear any party who has not left this notice and paid the prescribed fee at least two clear days before the date fixed for the hearing.

FORM 7.

FEE
Rs. 3.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request for sealing, Section 10.

1 insert name, calling and address.

I (or we) [1] ______________________________

____

2 Insert number and date.

desire to have a patent sealed on my (or our) application No. [2] ____________ of ______________________

____

3 Insert address for service.

and request that the following address in Travancore may be entered on the Register as my (or our) address for service in Travancore [3]

____

____

Date and sign.

Dated this day of ______________ 11 .

Signed ______________________

To

The Controller of Patents,

Trivandrum.

NOTE.—If a patent is to be sealed, so that rights may accrue under Section 12 of the Regulation, this request, together with the fee of Rs. 30, must be received in the Patent Office before the expiration of 18 months from the date of the application or within such extended times as are allowed in Section 10 (2). An extension of time not exceeding three months shall be allowed under Section 10 (2) (*d*) on application being made on Patents Form No. 4 accompanied by the fee of Rs. 10 for one month, Rs. 20 for two months or Rs. 30 for three months.

FEE
Rs 50
or
Rs. 100

FORM 8.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request for certificate of Renewal, Section 14.

I (or we) transmit the fee of Rs.——by[1]——in payment of the renewal fee on patent No.——of—— granted to ____________

____

and request that the usual certificate may be granted.

Dated this ________ day of ——— 11———

Signature ____________

Address ____________

[1] State whether cash, note, money order, Anchal hundi or Postal order.

To

The Controller of Patents,
Trivandrum.

FEE
Rs. 100.

FORM 9.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Restoration of Patent, Section 16.

I (or we) [1] ____________

____

____

hereby apply for an order of the Controller for the restoration of the patent.

No. [2] ________ of ________ granted to ________

____

The circumstances which have led to the omission to pay the fee Rs. [3] ________ on or before the [4] ________ day of ________ are as follows [5] :—

____

[1] Insert name, calling and address.

[2] Insert number and date.

[3] Insert amount.

[4] State last date when fee was due.

5 The circumstances must be stated in detail.

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

6 Insert address for service.

My (or our) address for service in Travancore is 6 :—

Dated this ____________ day of ______________ 11 ______________

Date and Sign

Signed ____________________________________

To

The Controller of Patents.
Trivandrum.

FEE
Rs. 10 before acceptance.
Rs. 20 after acceptance.

Form 10.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Amendment, Section 17.

1 Insert name, calling and address.

I (or we) 1 __________ ____________________
____

2 State whether application, specification or drawings.

seek leave to amend the 2 ______________________
__________________________ of application for patent

3 Insert number and date.

No. 3 __________ dated ____________ ____________

4 If the specification has been printed, an officially printed copy shall be used.

as shown in red ink in the copy 4 hereunto annexed.

5 Strike out this paragraph if a patent has not been sealed.

5 I (or we) declare that no suit for infringement or proceedings before a Court for revocation of the patent in question is pending.

6 Insert reasons.

My (or our) reasons for making this amendment are as follows 6 :—
____

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

7 Insert address. My (or our) address for service in Travancore is 7 ________

Date and sign. Dated this ________ day of ________ 11 ________

Signed ________________________

To

The Controller of Patents,
Trivandrum.

FEE Rs. 10

FORM 11.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Surrender of Patent, Section 24.

1 Insert name, calling and address. I (or we)[1] ________________________

____

2 Insert number and date. hereby offer to surrender the patent No. 2 ________ dated ________ granted to ________________________

____

No suit for infringement or proceedings for revocation of the patent is pending.

3 Insert reasons. My (or our) reasons for making this offer are as follows 3:—

____

I (or we) declare that the facts and matters stated herein are true to the best of my (or our), knowledge, information and belief.

4 Insert address. My (or our) address for service in Travancore is 4 ;

Date and sign. Dated this ________ day of ________ 11 ________

Signed ________________________

To

The Controller of Patents,
Trivandrum.

FEE
Rs. 10

FORM 12.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Application for Duplicate Patent, Section 38.

1 Insert name, calling and address.

2 Insert number and date.

3 Insert name of original grantee.

4 Insert the word "lost" or "destroyed" as the case may be and state fully the circumstances. Also state the interest possessed by the applicant or applicants in the patent.

I (or we) 1 ____________________

____

regret to have to inform you that the patent No. 2 ________ dated ____________________

granted to 3 ____________________

has been 4 ____________________

____

____

____

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) beg therefore to apply for the issue of a duplicate of such patent.

Dated this ________ day of ________ 11 ______

Signed ____________________

To

The Controller of Patents,

Trivandrum.

FEE
Rs. 5

FORM 13.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION X OF 1090.

Notice of Intended Exhibition, Section 39 and Section 51.

1 Insert name, calling and address.

2 Insert short description of invention or design.

I (or we) 1 ____________________

hereby give notice that I (or we) intend to exhibit my (or our) invention (or design) 2 ____________________

____

3 Insert name.

at the 3 __________ Exhibition certified or notified by the Dewan under Section 39/51 of the Travancore Patents and Designs Regulation, X of 1090, as an International or Industrial Exhibition.

Date and sign.

Dated this __________ day of __________ 11 ______

Signed ______________________

To

The Controller of Patents and Designs,
Trivandrum.

FEE Chs. 14 or Rs. 3 according to classification.

FORM 14.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Application for Registration of Design, Section 42.

1 Insert number of Class.

2 Insert name, calling and address.

3 State whether drawings, photographs, tracings, or specimens.

4 Insert name of article or articles to which design is to be applied.

5 Unless an address for service in Travancore is given, the request will not be considered.

Date and sign.

You are requested to register the accompanying design in Class No. 1.

in the name of 2 ______________________

who claims to be the proprietor thereof.

Four exactly similar 3 ________ of the design accompany this request.

The design is to be applied to 4 ______________________

Address for service in Travancore is 5: ______________________

Dated this __________ day of __________ 11 ______

Signed ______________________

To

The Controller of Designs,
Trivandrum.

NOTE.—Trade or property marks are not registered under the Patents and Designs Regulation, X of 1090.

FEE Rs. 5.

FORM 15.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request under Rule 32.

Application for design No. ____________________

Class ____________________

You are hereby requested under Rule 32 of the Patents and Designs Rules to state in writing the grounds of your decision and the materials used by you in arriving at such decision.

Address for service in Travancore is:— ____________________

Dated this ________ day of ________ 11 ______

Signed ____________________

To

The Controller of Designs,
Trivandrum.

FEE Rs. 10.

FORM 16.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Application to extend copyright, Section 46.

You are requested by the undersigned who is the registered proprietor of the design No. ____ registered in Class ____ to extend the period of copyright for a period of five years.

Address for service in Travancore is:— ____________________

Dated this ________ day of ________ 109 ______

Signed ____________________

To

The Controller of Designs,
Trivandrum.

FEE Re. 1.

FORM 17.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Inspection of Design, Section 49.

Insert number and Class.

Insert name of nominee who must also sign the application.

You are requested by the undersigned who is the registered proprietor of the design No.——registered in Class No. ——to allow him or his nominee —————— to inspect the design,

Dated this ———— day of ————11 ——————

Signed——————————

Address ——————————.

Signature of nominee.——————————

To

The Controller of Designs,
Trivandrum.

FEE Rs. 2 or Rs. 4.

FORM 18.

THE TRAVACORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request for Information, Section 50.

You are requested to give to the undersigned such information as he may be entitled to under Section 50 of the Regulation in respect of the design————

Address for service is ——————————

Dated ———————— day of ————————11————————

Signed ——————————

To

The Controller of Designs,
Trivandrum.

NOTE—If the number cannot be given and information is required regarding a design, two samples of the design may be attached to this Form which must then be accompanied by a fee of Rs. 4.

FEE
Rs. 2
See foot note.

FORM 19.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request for Certificate, Section 58.

1 Insert number and date.

In the matter of { Patent No. [1] ——— of ——— / Design No. ——— Class ——— }

I (or we) [2] ———————————

2 Insert name, calling and address.

———————————

3 Here set out the particulars which the Controller is requested to certify.

hereby request you to furnish me (or us) with your certificate to the effect that [3] ———————————

and to send the certificate to [4] ———————————

4 Insert name and address.

Dated this ——— day of ——— 11 ———

Date and sign.

Signed ———————

To

The Controller of Patents and Designs,
Trivandrum.

NOTE.—An extra charge of Chs. 7 will be charged for every hundred words in excess of 400. The certificate will not be supplied until the charge is paid.

FEE
Rs. 3.

FORM 20.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request for correction or cancellation, Section 61.

1 Insert number and date.

In the matter of { Patent No. [1] ——— of ——— / Design No. ——— Class ——— }

2 Insert name, calling and address.

I (or we) [2] ———————————

———————————

3 Insert particulars.

hereby request you under the power given by Section 61 of the Travancore Patents and Designs Regulation, X of 1090, to [3] ———————————

———————————

4 Insert address. — My (or our) address for service in Travancore is 4:———

Date and sign. — Dated this ——— day of ——— 11 ———

Signed ———————

To

The Controller of Patents and Designs,
Trivandrum.

FEE
Rs. 5.

FORM 21.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Request for Entry in Register, Section 62.

1 Insert number and date. — In the matter of { Patent No. ——— of ——— / Design No. ——— Class ——— }

2 Insert name, calling and address. — I (or we) 2 ———————————————

3 Insert ground of claim whether by assignment, transmission, etc., or as mortgagee, licensee or otherwise. — claim to be entitled by (or as) 3 ———————————————

4 Insert nature of interest. — to the following interest 4 ———————————————

5. Insert number and date of patent or number and Class of the registered design. — 5 { in the patent No ——— of ——— / in the registered design No. ——— Class ——— }

6 Insert name. — grant to ———————————

In proof whereof I (or we) transmit the accompanying 7— ———————————

7 Insert nature of document. — together with an attested copy thereof and I (or we) request that an entry may be made in the register.

8 Insert address. — My (or our) address for service in Travancore is 8 ——— ———————————

Date and Sign. — Dated this ——— day of ——— 11 ———

Signed ———————

To

The Controller of Patents and Designs,
Trivandrum.

FEE
Re. 1.

Form 22.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Entry of Alteration of Address.

In the matter of { Patent No.————of————
Design No.————class————

I (or we) 1 ————————————————

1 Insert name, calling and address.

hereby request that the following address in Travancore may be entered in the Register, *viz.* 2————————

2 Insert address to be entered.

and request that the existing address which is as follows may be cancelled 3 ————————

3 Insert address to be cancelled.

Date and Sign.

Dated this————————day of————————11

Signed————————

To

The Controller of Patents and Designs,

Trivandrum.

NOTE.—This form may only be used for a request to correct a name or alter an address upon the Register. It may not be used as a request to register any change of interest in patent or registered design.

FEE
Rs. 3.

FORM 23.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Entry of order of Court, Section 63.

I (or we) 1 ————————————————

1 Insert name, calling and address.

2 Insert purport of order.

hereby transmit an office copy of an order of the Court with reference to 2————————

and request that the register may be rectified.

Date and sign. Dated this————day of———— 11

Signed ————————

To

The Controller of Patents and Designs,

Trivandrum.

FEE
Rs. 30.

FORM 24.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Appeal to Dewan under Section 5, 9, 16, 17 or 42.

1 Insert name, calling and address.

2. Strike out if not applicable.

3. Insert date of decision. The appeal must be made within two months of that date.

4. Strike out parts not applicable.

I (or we [1]————————————

hereby appeal to the Dewan from the decision (or that part of the decision) [2] of the Controller, dated the [3] ———— day of ———— 11————whereby he—

[4]
- (a) refused to accept an application for a patent under Section 5.
- (b) required an amendment under Section 5.
- (c) decided an opposition under Section 9.
- (d) restored a lapsed patent under Section 16.
- (e) refused to restore a lapsed patent under Section 16.
- (f) allowed an amendment under Section 17.
- (g) refused to allow an amendment under Section 17.
- (h) refused to register a design under Section 42.

5. State fully continuing on further sheets and on one side only. The last page must be dated and signed.

The reasons for appealing, and the full statement of the grounds upon which I (or we) rely for objecting to the decision, are as follows: [5].

NOTE.—This Form in duplicate shall be sent to the Controller of Patents and Designs, Trivandrum, who will proceed under Rule 41.

STAMP to be attached, see foot-note.

FORM 25.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Power of authority to Agent.

1 State particulars.

In connection with [1] ——————————————————

2 Insert name and address of agent.

I (or we), the undersigned hereby authorise [2] ——————
of ——————————————————

3 See foot-note.

to act as my agent [3] and to receive all notices, requisitions and communications until further notice.

4 Cancel if not required.
5 Insert name of agent whose authority is cancelled.

[4] And I (or we) revoke the previous authority given by me (or us) to [5] ——————————————————

in this matter.

6 Insert date, signature and address.

[6] Dated this ———— ————day of———— 11————

Signature ——————————

Address ——————————

To

The Controller of Patents and Designs,

Trivandrum.

NOTE—This Form is liable to stamp duty under the Stamp Regulation, IV 1080. When power is given to one or more persons as agents to act in a single transaction, it will be sufficient if the form bears a special adhesive label of the value of one rupee only. When power is given to not more than five persons to act jointly and severally in more than one transaction, or generally in respect of several patents or designs applications, then a special adhesive label of five rupees value should be affixed.

FORM 26.

THE TRAVANCORE PATENTS AND DESIGNS REGULATION, X OF 1090.

Statement of Address.

In connection with [1]———————————

———————————————————————

1 State particulars.

I (or we) the undersigned request that until further notice all notices, requisitions, etc., may be sent to [2] ————— at———————————————

2 Insert name and address.

———————————————————————

Dated this————day of———— 11————

Date and sign.

Signature——————————

To

The Controller of Patents and Designs,
Trivandrum.

THE THIRD SCHEDULE.

Model Form of Patent.

Government of Travancore.

Patent.

No.——— -of————11————

Whereas A. B. of————hath declared that he is in possession of an invention for————(quote title) ————and that he is the true and first inventor thereof (or the legal representative or assign of the true and first inventor) and that the same is not in use by any other person to the best of his knowledge, information and belief;

And whereas he hath humbly prayed that a patent might be granted to him for the said invention;

And whereas he hath by and in his specification (of which a copy is hereunto annexed) particularly described and ascertained the nature of the invention and the manner in which the same is to be performed;

The Dewan is pleased to order by these presents that the above said petitioner (including his legal representatives and assigns or any of them) shall, subject to the provisions of the Travancore Patents and Designs Regulation, X of 1090, as patentee have the exclusive privilege of making, selling and using the invention throughout Travancore and of authorizing others so to do for the term of 14 years from the——day of——11——subject to the condition that the validity of this patent is not guaranteed by Government [1] (and that Government shall have the right to use the invention either without payment or on such terms as they may consider reasonable) and also provided that the fees prescribed for the continuation of this patent are duly paid.

1 For Government servant only.

In witness whereof the Dewan has caused this patent to be sealed as of the———— day of————11————

Signature of Controller ________________

Date of sealing ________________

NOTE.—Renewal fees will be due on this patent, if it is to be continued on the———— day of———— 11 ———— and on the same day in each year thereafter.

THE FOURTH SCHEDULE.

Classification of Goods.

Class 1.—Articles composed wholly of metal or in which metal predominates not included in Class 2.

Class 2.—Jewellery.

Class 3.—Articles composed wholly of wood, bone, ivory, paper-mache, or other solid substances not included in other Classes, or of materials in which such substances predominate.

Class 4.—Articles composed wholly of glass, earthenware, or porcelain, bricks, tiles or cement, or in which such materials predominate.

Class 5.—Articles composed wholly of paper (except paper hangings), cardboard, mill-board or straw-board or in which such materials predominate.

Class 6.—Articles composed wholly of leather or in which leather predominates, and bookbinding of all materials.

Class 7.—Paper hangings.

Class 8.—Carpets and rugs in all materials, floorcloths and oilcloths.

Class 9.—Lac.

Class 10.—Hosiery.

Class 11.—Millinery and wearing apparel, including boots and shoes.

Class 12.—Ornamental needlework on muslin or other textile fabrics.

Class 13.—Printed or woven designs on textile piece goods (other than checks or stripes).

Class 14.—Printed or woven designs on handkerchiefs and shawls (other than checks or stripes).

Class 15.—Printed or woven designs (on textile piece goods or on handkerchiefs or shawls) being checks or stripes.

Class 16.—Goods not included in other classes.

REGULATION I OF 1091.

A Regulation to amend Regulation III of 1086

Passed by His Highness the Maha Raja of Travancore on the 12th September 1915, corresponding with the 27th Chingom 1091, under Section 14 of Regulation V of 1073.

Whereas it is deemed necessary to amend Regulation III of 1086; We are pleased to enact as follows :—

1. Delete the title and preamble of Regulation III of 1086, and substitute the following :—

" A Regulation relating to the currency of British Coinage in Travancore."

" Whereas it is expedient to consolidate the law relating to the currency of British Coinage in Travancore ;"

2. Insert the following as Section I, Sub-section (1) :—

" This Regulation shall be called " The British Coinage Regulation"; and

number the existing Section as Section 1, Sub-section (2), substituting the word 'it' for the words 'this Regulation'.

3. After Section 3, add the following as Section 3-A :— "Sovereigns and half-sovereigns, whether coined at His Majesty's Royal Mint in England or at any Mint established in pursuance of a Proclamation of His Majesty as a branch of His Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen British rupees for one sovereign :

"Sovereigns and half-sovereigns, a legal tender".

Provided that such coins have not been called in by any Proclamation made in pursuance of the English Coinage Act, 1870, or have not lost weight so

as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight."

4. In Section 9, insert the following as Sub-section (3), and number the existing Sub-section (3) as Sub-section (4) :—

"Such Rules may also provide for the acceptance at prescribed rates by Officers authorised in this behalf of the gold coins described in Section 3-A, where such coins have lost weight, so as to be of less weight than that for the time being prescribed for like coins by or under the English Coinage Act, 1870, as the least current weight."

REGULATION II OF 1091.

THE LAND CUSTOMS REGULATION.

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. Short title.
   Local extent and commencement.
2. Saving of appointments, etc.
3. Interportal Trade Convention not affected by the Regulation.
4. Interpretation.
   (a) "Controlling Officer of Customs."
   (b) "Chief Customs Officer."
   (c) "Customs Officer."
   (d) "Vessel."
   (e) "Vehicle."
   (f) "Import."
   (g) "Export."
   (h) "Customs house" or "Chowkey."
   (i) "Circle."
   (j) "Range."
5. Agent of owner of goods to be deemed owner for certain purposes.

(a) Amended by Regulation III of 1093. The Regulation was passed direct by His Highness the Maha Raja and published in the Gazette dated 8th February 1916.

CHAPTER II.

Appointment of Officers.

Sections.

6. Appointment of Officers, etc.
7. Delegation of powers under Section 6.

CHAPTER III.

Power to prescribe Rules and Duties.

8. Government may make Rules for the levy of customs duty.
9. Power to make Rules.
10. Power to prescribe customs duties.
11. Power to fix tariff values.

CHAPTER IV.

Prohibitions and Restrictions regarding Exportation and Importation.

12. No dutiable goods to be imported or exported without payment of duty.
13. Licenses for the storage of dutiable goods for sale at or near the frontier.
14. Manifest to accompany goods taken to Customs houses.
15. Manifest-registering stations.
16. Goods subject to export duty not to be taken to the frontier between sunset and sunrise.
17. Goods subject to import duty not to be taken between sunset and sunrise.
18. Goods for which manifest has been registered to be produced before Customs house in 24 hours.
19. Penalty for failure to produce goods before Customs house within 3 days from the issue of the manifest.
20. No refund of charges erroneously levied or paid unless claimed within three months.

CHAPTER V.

Powers and Duties of Officers.

21. Power of Customs and Preventive Officers to search.
22. Power of Customs and Preventive Officers to seize goods subject to export duty.
23. Power of Customs and Preventive Officers to seize goods subject to import duty.

Sections.

24. Officer seizing goods may seize packages, &c., and arrest persons.
25. When seizure or arrest is made, reason in writing to be given.
26. Procedure of Officer making seizure or arrest.
27. Procedure of Customs Officer to whom the articles seized and persons arrested are taken.
Procedure of the Chief Customs Officer or Magistrate to whom the articles seized and persons arrested are taken.
28. Persons arrested to be admitted to bail.
29. Bond of accused and sureties.
30. Disposal of perishable articles by the Chief Customs Officer.
31. Chief Customs Officer or Customs Officer in charge of a Range may summon witnesses.
32. Terms of summons.
33. Examination of witnesses by Chief Customs Officers and Customs Officers in charge of Ranges.
34. Law relating to Criminal Courts as to summoning witnesses to apply.

CAHPTER VI.

Offences and Penalties.

35. Punishment for offences.

CHAPTER VII.

Confiscation.

36. Packages and contents included in confiscation of goods.
Also conveyances and animals used in removal.
Tackle, &c., included in confiscation of vessel.
37. Adjudication of confiscations and penalties.
38. Option to pay fine in lieu of confiscation.
39. On confiscation, property to vest in Our Government.
40. Penalty under this Regulation not to interfere with punishment under any other law.

CHAPTER VIII.

Miscellaneous.

41. Offences not specially provided for how tried.
42. Appeal from Chief Customs Officer to Controlling Officer of Customs.

Sections.

43. Power to remit penalty or confiscation.
44. Goods not to be removed till payment.
Other goods of person liable to fine or penalty may be detained.
45. Enforcement of payment of penalty.
46. No compensation for loss or injury except on proof of neglect or wilful act.
47. Bar of actions.
48. Powers of superior Officers.
49. Rules to be notified.
50. Cancellation of Notification.

A Regulation to consolidate the law relating to the levy of Land Customs Duties

Passed by His Highness the Maha Raja of Travancore, on the 3rd February 1916 corresponding with the 21st Makaram 1091, under Section 14 of Regulation V of 1073.

Preamble.

Whereas it is expedient to consolidate the law relating to the levy of Land Customs Duties, etc.; It is enacted as follows:—

CHAPTER I.

Preliminary.

Short title.

1. This Regulation may be called the Travancore Land Customs Regulation of 1091.

Local extent and commencement.

It extends to the whole of Travancore, and it shall come into force on the 1st Meenam 1091.

Saving of appointments, etc.

2. All appointments, Rules, declarations, exemptions and delegations made, powers conferred, Forms and conditions prescribed, values, fees, rates and periods fixed, and Notifications, instructions, directions, prohibitions, passes and licenses issued, before the passing of this Regulation, shall, if the same are in force at the time this Regulation comes into force, be deemed to have been respectively made, conferred, prescribed, fixed and issued under this Regulation in so far as they are consistent herewith.

3. Nothing herein contained shall affect the provisions of the Interportal Trade Convention for the time being in force between Our Government and the Paramount Power.

Interportal Trade Convention not affected by the Regulation.

4. In this Regulation, unless there is something repugnant in the subject or context,—

Interpretation.

(a) "Controlling Officer of Customs" denotes the person authorised to exercise, subject to Our Government, the chief control in matters relating to Land Customs:

"Controlling Officer of Customs."

(b) "Chief Customs officer" denotes the chief executive Officer of Land Customs in charge of a Circle, subordinate to the Controlling Officer of Customs, and exercising control over one or more Customs houses:

"Chief Customs Officer."

(c) "Customs Officer" includes every Officer of Land Customs, for the time being in separate charge of a Range or Customs house, or duly authorised to perform all the duties or any special duties of an Officer so in charge:

"Customs Officer."

(d) "Vessel" includes anything made for the conveyance by water of human beings or property:

"Vessel."

(e) "Vehicle" includes anything made for the conveyance by land of human beings or property:

"Vehicle"

(f) "Import" means to bring into Travancore by land, by backwater or by sea:

"Import."

(g) "Export" means to take out of Travancore land, by backwater or by sea:

"Export."

(h) "Customs house" or "Chowkey" shall mean any office or institution, established by Our Government by Notification in the Gazette, in any place in Travancore, for the levy of duties on articles imported or exported by backwater or by land:

"Customs house" or "Chowkey".

(i) "Circle" means a local area, from time to time constituted as such by Our Government, by Notification in the Gazette:

"Circle."

(j) "Range" means a local area, from time to time constituted as such by Our Government, by Notification in the Gazette.

"Range."

5. When any person is expressly or impliedly authorised by the owner of any goods to be his agent in respect of such goods, for all or any of the purposes of this Regulation, and such authorisation is approved by the Customs Officer, such person shall, for such purposes, be deemed to be the owner of such goods.

Agent of owner of goods to be deemed owner for certain purposes.

CHAPTER II.

Appointment of Officers.

6. Our Government may appoint such persons as they think fit to be Officers of Land Customs and to exercise all or any of the powers conferred, and to perform all or any of the duties imposed, by this Regulation, on such Officers. Every person so appointed may be suspended or dismissed by Our Government.

Appointment of Officers, etc.

7. Our Government may delegate to any Officer any of the powers vested in them by Section 6 of this Regulation. Every person appointed in the exercise of such delegated power may be suspended or dismissed by the Officer who appointed him.

Delegation of powers under Section 6.

CHAPTER III.

Power to prescribe Rules and Duties.

8. Our Government may, by Notification in the Gazette, make Rules for the levy of Customs duty on articles, imported into or exported from Travancore, by backwater or by land, and also for the exemption from such duty of any such articles

Government may make Rules for the levy of customs duty.

9. Our Government may make Rules, consistent with this Regulation, —

Power to make Rules.

(a) prescribing and limiting the powers and duties of Officers of Customs;

(b) prescribing the route or routes through which all or any specified class of goods shall be imported into or exported from Travancore;

(c) for the levy of duty on goods which do not correspond either in quality or in quantity with the description in the manifest delivered to the owner of the goods or his agent from the manifest-registering station;

(d) prescribing the Customs house or houses to which goods which are the produce of any local area should be taken for levy of duty;

(e) for the levy of duty on goods carried by rail, steam boats or any particular vessel or vehicle, or class of vessels or vehicles;

(f) for the levy of duty on goods forming part of the luggage of passengers travelling by rail, steam boats or other vessels or vehicles;

(g) for the levy of duty on, or exempting from duty or any portion thereof, any goods imported into the State by land or backwater, and re-exported from it by land, backwater or sea;

(h) for the levy of duty on, or exempting from duty or any portion thereof, any goods exported from the State and re-imported into it;

(i) for the disposal of all things confiscated under this Regulation;

(j) for payment of rewards to Officers, informers and persons co-operating in a seizure out of the proceeds of fines, penalties and confiscation under this Regulation; and

(k) for carrying out generally the provisions of this Regulation.

Power to prescribe customs duties.

10. Customs duties shall be levied on such goods and at such rates [and from such dates, whether previous or otherwise] (a) as may be prescribed by Our Government, from time to time, by Notification in the Gazette:

Provided that no such duties shall be levied on goods belonging to Our Government.

(a) Inserted by Regulation III of 1093.

11. Our Government may, from time to time, by Notification in the Gazette, fix, for the purpose of levying duties, the tariff values of any goods exported or imported by backwater or land, on which customs duties are by law imposed, and alter any such values.

Power to fix tariff values

CHAPTER IV.

Prohibitions and Restrictions regarding Exportation and Importation.

12. No goods subject to customs duty shall be imported into or exported from Travancore unless the duty due thereon has been paid to a Customs Officer or other person duly authorised to receive the same.

No dutiable goods to be imported or exported without payment of duty.

13. Within a distance of one mile from the land frontier of Travancore, no person shall own, erect or maintain any godown or other building or place for the storage of any goods subject to export duty, which such person purchases for subsequent sale, unless he takes out a license for the storage of such goods.

Licenses for the storage of dutiable goods for sale at or near the frontier.

Our Government may, from time to time, make Rules for the grant of such licenses, free of any fee and on such conditions as they may deem fit to prescribe for the storage of such goods

14. No goods subject to export duty shall be taken to a Customs house for the levy of such duty, unless the same is accompanied by a manifest in such form as may from time to time be prescribed by the Controlling Officer of Customs, signed by the owner of such goods or his agent, and countersigned by an Officer appointed for the purpose of registering manifests intended for delivery to a Customs Officer.

Manifest to accompany goods taken to Customs houses.

This Section will not apply to—

(i) goods taken to a Railway Customs house ; or

(ii) goods carried by passengers for their immediate personal use ; or

(iii) goods covered by a certificate of Government, authorising their export, free of duty.

15. Each Customs house shall have one or more places or stations for registering manifests. The Controlling Officer of Customs shall, by notice published in the Gazette, specify the places or stations where manifests intended for each Customs house shall be registered.

Manifest registering stations.

16. Except for the purpose of the levy of duty on goods intended for the immediate use of passengers, at Customs houses which have been declared by Government, by Notification in the Gazette, to be open between sunset and sunrise for the levy of such duty, no goods subject to export duty shall be taken towards the frontier beyond a manifest-registering station between sunset and sunrise.

Goods subject to export duty not to be taken to the frontier between sunset and sunrise.

17. Except as stated in the last preceding Section, no goods subject to import duty shall be taken from any place outside Travancore to any place within Travancore between sunset and sunrise.

Goods subject to import duty not to be taken between sunset and sunrise.

18. The owner of any goods subject to export duty, for which a manifest has been registered, shall produce the goods covered by the manifest to the Customs house specified in the manifest, within twenty-four hours from the time of the delivery of the manifest to such owner from the manifest-registering station. If, after the expiration of the time specified above, the owner of such goods produces before the Customs house the manifest and goods answering the description entered therein, he shall pay twice the amount of the duty leviable on such goods, unless he proves to the satisfaction of the Chief Customs Officer that such goods are identical with those specified in the manifest.

Goods for which manifest has been registered to be produced before Customs house in 24 hours.

19. If the owner of any goods subject to export duty for which a manifest has been registered, fails to produce such goods for the levy of customs duty before the Customs house specified in the manifest, within three days from the time of the delivery of the manifest to such owner from the manifest-registering station, he shall be liable to pay into the Customs house three times the amount of the duty leviable on such goods.

Penalty for failure to produce goods before Customs house within 3 days from the issue of the manifest.

20. Customs duties or charges which have been paid, and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertence, error or misconstruction, shall be returned, with the sanction of Our Government, if such claim is made within three months from the date of such payment

No refund of charges erroneously levied or paid unless claimed within three months.

CHAPTER V.

Powers and Duties of Officers.

21. Every Officer of Customs and every Officer duly employed for the prevention of smuggling, may stop at or near the frontier, and search for dutiable or prohibited goods, any vessel, vehicle, animal or package.

Power of Customs and Preventive Officers to search.

Every such Officer may also search any person at or near the frontier for such goods: Provided that such Officer believes, in good faith, that such person has dutiable or prohibited goods, secreted about his person.

A female shall not be searched by any but a female.

22. Every Officer of Customs or other Officer duly employed for the prevention of smuggling, may seize, at any place between the manifest-registering station and the frontier, any goods subject to export duty,—

Power of Customs and Preventive Officers to seize goods subject to export duty.

(a) if such goods are conveyed towards the frontier beyond a manifest-registering station between sunset and sunrise; or

(b) if, on demand, the person conveying such goods fails to produce a manifest, obtained from the manifest-registering station, for such goods; or

(c) if such Officer finds such goods at any place between a Customs house and the frontier, and the person conveying the goods fails to produce on demand a certificate showing that the customs duty leviable thereon has been paid in full.

Explanation.—Nothing in this Section shall require the production of a manifest in respect of goods exempted under Section 14 of this

Regulation or the production of a certificate of payment of duty in respect of goods mentioned in Clause (iii) of the exceptions to the aforesaid Section.

Power of Customs and Preventive Officers to seize goods subject to import duty.

23. Every Officer of Customs or other Officer duly employed for the prevention of smuggling, may seize any goods subject to import duty,—

(a) if such goods are taken from any place outside Travancore to any place within Travancore between sunset and sunrise; or

(b) if such goods are taken from any place outside Travancore to any place within Travancore other than a Customs house without payment of duty leviable on such goods.

Nothing in this Section shall apply to—

(i) goods which passengers are permitted to import free of duty by any Rules passed under this Regulation, provided that the maximum quantity prescribed for such free import by such Rules is not exceeded;

(ii) goods intended for the immediate use of passengers and taken by them for the levy of duty to Customs houses which have been declared by Government, by Notification in the Gazette, to be open between sunset and sunrise for the levy of such duty;

(iii) goods covered by a certificate of Government authorising their import free of duty.

Officer seizing goods may seize packages, &c., and arrest persons.

24. Any Officer seizing any goods under Section 22 or 23 may arrest the person conveying such goods and also seize the vessels, vehicles, packages and coverings in which such goods are found, and the other contents, if any, of such vessels, vehicles, packages and the animals and conveyances used in carrying such goods.

When seizure or arrest is made, reason in writing to be given.

25. When anything is seized, or any person is arrested, under this Regulation, the Officer making such seizure or arrest shall, on demand by the person in charge of the thing so seized, or by the person so arrested, give him a statemen tin writing certifying to such seizure or arrest.

26. Whenever any seizure or arrest is made under Section 22, 23 or 24, the articles and the animals seized and the persons arrested shall immediately be taken before the Customs Officer in charge of the Range within the limits of which such seizure or arrest was made. The Officer making the arrest or seizure shall also present to such Customs Officer a report of the circumstances under which such arrest or seizure was made.

Procedure of Officer making seizure or arrest.

27. Whenever any person arrested under Section 24 is brought before a Customs Officer in charge of a Range, such Officer shall admit him to bail, if bail is offered, and direct him to appear when summoned before the Chief Customs Officer within the limits of whose jurisdiction the arrest was made, or, in default of bail, shall forward him in custody to such Chief Customs Officer. The Customs Officer in charge of the Range shall hold an enquiry into the circumstances under which the seizure was made and forward a report to the Chief Customs Officer together with the articles and the animals seized.

Procedure of Customs Officer to whom the articles seized and persons arrested are taken.

On receipt of such report, the Chief Customs Officer may hold such enquiry as he may think necessary and may dispose of the case himself, if he is competent to do so under Section 37, or forward the accused and the articles and animals seized, together with a report of the case, to the Magistrate within the limits of whose

Procedure of the Chief Customs Officer or Magistrate to whom the articles seized and persons arrested are taken.

Sec. 27: **Case Law.**

It cannot be contended, on the strength of Sec. 27 of the Land Customs Regulation, that the Magistrates in the State have no jurisdiction to deal with the cases in which the accused had not been arrested and forwarded along with the charge-sheet to them by the Customs Officers. In the case, the accused attempted to smuggle four gunny bags of copra beyond the frontier station into Cochin territory. The Customs Officer sent up a report with a statement that the accused had absconded. The accused appeared in Court in pursuance of the warrants issued from the Court for their apprehension,

A careful consideration of the provisions of Chapter V of the Regulation shows that the Legislature did not intend the arrest of the delinquents a condition precedent to the conferment of jurisdiction on the ordinary Criminal Courts of the land in such matters. The ordinary rules of procedure contained in the Criminal Procedure Code are intended to be made applicable with respect to matters not expressly provided for in the Land Customs Regulation. The enactment in question cannot be considered as a self-contained one in the matter of procedure. In this view, the seizing of the case by the trying Magistrate without having the accused before him cannot be characterised as unjustifiable.— 17 T. L. J., *59.*

jurisdiction the seizure or arrest was made. Upon receipt of such report, the Magistrate shall enquire into the case in like manner as if a Police report has been made to him under Section 170 of the Code of Criminal Procedure.

Persons arrested to be admitted to bail.

28. Every person arrested under Section 24 shall be released if sufficient bail be tendered for his appearance before a Chief Customs Officer or before a Magistrate, as the case may be.

Bond of accused and sureties.

29. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the Officer admitting him to bail thinks proper, shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Chief Customs Officer before whom he was bailed to attend or by the Magistrate, as the case may be: Provided that the Officer admitting any such person to bail may, at his discretion, dispense with the requirement of a surety or sureties to the bond executed by such person: Provided also that, if such person is not resident in Travancore, the bond shall be secured by a surety or sureties resident in Travancore.

Disposal of perishable articles by the Chief Customs Officer.

30. Whenever anything seized under the provisions of this Regulation is of a perishable nature, the Chief Customs Officer may, if he thinks it necessary, sell the same by public auction, or otherwise, and keep the proceeds thereof in safe custody, to be disposed of subsequently in such manner as he may himself order or as may be ordered by the Magistrate who tries the same.

Chief Customs Officer or Customs Officer in charge of a Range may summon witnesses.

31. Any Chief Customs Officer or Customs Officer in charge of a Range, holding an enquiry under Section 27, may summon any person to appear before himself to give evidence on such enquiry or to produce any document relevant thereto which may be in his possession or under his control.

Terms of summons.

32. Every summons issued under the last preceding Section shall state whether the person summoned is required to give evidence or to produce a document, or both, and

shall require him to appear before the said Officer at a stated time and place.

Examination of witnesses by Chief Customs Officers and Customs Officers in charge of Ranges.

33. Persons so summoned shall attend as required and shall answer truly all questions relating to such enquiry put to them by such Officer, other than questions the answers to which would have a tendency to expose them to a Criminal prosecution or to a penalty or forfeiture. Such answers shall be reduced into writing and signed by such Officer. Such answers shall also be signed by such persons, but they shall not be used as evidence in any Criminal proceeding other than a proceeding on a charge of perjury against such persons :

Provided that no prosecution for giving false evidence in respect of any statement made under this Section shall be instituted without the previous sanction of Our Government.

Law relating to Criminal Courts as to summoning witnesses to apply.

34. The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts shall, so far as the same may be applicable, apply to any summons issued by a Chief Customs Officer or the Customs Officer in charge of a Range, and to any person summoned to appear under the provisions of this Regulation.

CHAPTER VI.

Offences and Penalties.

Punishment for offences.

35. The offences mentioned in the second column of the following Schedule shall be punishable to the extent mentioned in the fourth column of the same with reference to such offences respectively :—

No.	Offence.	Sections of this Regulation to which offence has reference.	Penalties.
1	Contravening any Rule made under this Regulation.	General.	Penalty not exceeding five hundred rupees.
2	Importing into or exporting from Travancore goods subject to import or export duty, without payment of the duty due thereon.	Section 12.	Such goods shall be liable to confiscation, and the person conveying such goods shall be liable to a penalty not exceeding one thousand rupees.
3	If any person owns, erects or maintains any godown or other building or place within a distance of one mile from the land frontier of Travancore, for the storage of any goods subject to export duty which such person purchases for subsequent sale, without obtaining a license for such storage.	Section 13.	P. nalty not exceeding five hundred rupees.
4	If any person takes any goods subject to export duty to a Customs house for the levy of such duty unaccompanied by a manifest obtained from a manifest-registering station.	Section 14.	Penalty not exceeding fifty rupees.
5	If any person takes any goods subject to export duty towards the frontier beyond a manifest-registering station between sunset and sunrise.	Section 16.	Penalty not exceeding five hundred rupees, and such g.ods shall be liable to confiscation.
6	If any person takes any goods subject to import duty from any place outside Travancore to any place within Travancore between sunset and sunrise.	Section 17.	Do.
7	If any person takes any goods subject to export duty towards the frontier beyond a manifest-registering station and if he fails on demand by an Officer of Customs or a Preventive Officer to produce manifest for such goods obtained from the manifest-registering station.	Section 22 (*b*).	Do.

No.	Offence.	Sections of this Regulation to which offence has reference.	Penalties.
8	If any person takes any goods subject to export duty to any place between a Customs house and the frontier and such person fails to produce on demand by an Officer of Customs or Preventive Officer a certificate showing that the customs duty leviable thereon has been paid in full.	Section 22 (*c*),	Such person shall be liable to a penalty not exceeding one thousand rupees and such goods shall be liable to confiscation.
9	If any person intentionally obstructs any Officer of Customs or other person duly employed for the prevention of smuggling in the exercise of any powers given under this Regulation to such Officer or person.	General.	Such person shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding six months, or to a fine not exceeding five hundred rupees, or to both.
10	If any Officer of Customs or other person duly employed for the prevention of smuggling, is guilty of a wilful breach of the provisions of this Regulation.	General.	Such Officer or person shall, on conviction before a Magistrate, be liable to simple imprisonment for any term not exceeding one year, or to fine, or to both.
11	If any Officer of Customs, or other person duly employed for the prevention of smuggling, practises or attempts to practise any fraud, for the purpose of injuring the Customs revenue, or abets or connives at any such fraud or any attempt to practise any such fraud.	General.	Such Officer or person shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding two years, or to fine, or to both.
12	If any Officer of Customs or other person duly employed for the prevention of smuggling vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Regulation; or vexatiously and unnecessarily stops, detains, searches or arrests any person; in any other way vexatiously exceeds his lawful powers.	Sections 21, 22, 23 and 24.	Such person shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

CHAPTER VII.

Confiscation.

36. The confiscation of any goods under this Regulation shall include any package or covering in which they are found, and all the other contents thereof.

Packages and contents included in confiscation of goods.

Every vessel or vehicle, and every horse or other animal, used in the removal of any goods liable to confiscation under this Regulation, shall, in like manner, be liable to confiscation.

Also conveyances and animals used in removal.

The confiscation of any vessel under this Regulation includes her tackle, apparel and furniture.

Tackle, &c., included in confiscation of vessel.

37. In every case except the cases mentioned in Section 35, Nos. 9, 10, 11 and 12, in which under this Regulation anything is liable to confiscation or to increased rates of duty, or any person is liable to a penalty, such confiscation, increased rate of duty or penalty may be adjudged,—

Adjudication of confiscations and penalties.

(a) without limit, by the Controlling Officer of Customs;

(b) up to confiscation of goods not exceeding two hundred and fifty rupees in value, and imposition of penalty or increased duty not exceeding one hundred rupees, by the Chief Customs Officer.

Our Government may, by Notification in the Gazette, confer on any Customs or other Officer, by name or in virtue of his office, all or any of the powers under this Section.

38. Whenever confiscation is authorised by this Regulation, the Officer adjudging it shall give the owner of the goods, an option to pay, in lieu of confiscation, such fine as the Officer thinks fit.

Option to pay fine in lieu of confiscation.

39. When anything is confiscated under this Regulation, such thing shall thereupon vest in Our Government.

On confiscation, property to vest in Our Government.

The Officer adjudging confiscation shall take and hold possession of the thing confiscated, and every Officer of Police, on the requisition of such Officer, shall assist him in taking and holding such possession.

Penalty under this Regulation not to interfere with punishment under any other law.

40. The award of any confiscation, penalty or increased rate of duty under this Regulation, by an Officer of Customs, shall not prevent the infliction of any punishment to which the person affected thereby is liable under any other law.

CHAPTER VIII.

Miscellaneous.

Offences not specially provided for how tried.

41. All offences against this Regulation, other than those cognizable under Section 37 by Officers of Customs, may be tried summarily by a Magistrate.

Appeal from Chief Customs Officer to Controlling Officer of Customs.

42. Any person deeming himself aggrieved by any decision or order passed by a Chief Customs Officer under this Regulation may, within thirty days from the date of such decision or order, appeal therefrom to the Controlling Officer of Customs, who may thereupon make such further enquiry if any, and pass such order, as he thinks fit, confirming, altering or annulling the decision or order appealed against: Provided that no such order shall have the effect of subjecting any person to any greater penalty or rate of duty than has been adjudged against him in the original decision or order.

Every order passed in appeal under this Section shall, subject to the power of revision by Our Government, be final.

Power to remit penalty or confiscation.

43. If, upon consideration of the circumstances under which any penalty, increased rate of duty or confiscation has been adjudged under this Regulation by a Chief Customs Officer, the Controlling Officer of Customs is of opinion that such penalty, increased rate of duty or confiscation ought to be remitted in whole or in part, or commuted, he may remit the same or any portion thereof, or may, with the consent of the owner of any goods ordered to be confiscated, commute the order of confiscation to a penalty not exceeding the value of such goods.

Goods not to be removed till payment.

44. When any fine, penalty or increased rate of duty, is leviable under this Regulation, the goods in respect of which such fine, penalty or rate of duty is leviable, shall not be removed by the owner until such fine, penalty or rate of duty is paid.

If any person has become liable to any such fine, penalty or rate of duty in respect of any goods, the Customs Officer may detain any other goods belonging to such person passing through the Customs house until such fine, penalty or rate of duty is paid.

Other goods of person liable to fine or penalty may be detained.

45. When a penalty or increased rate of duty is adjudged against any person under this Regulation, by any Officer of Customs, such Officer, if such penalty or increased rate be not paid, may levy the same by sale of any goods of the said person which may be in his charge or in the charge of any other Officer of Customs.

Enforcement of payment of penalty.

When an Officer of Customs who has adjudged a penalty or increased rate of duty against any person under this Regulation is unable to realise the unpaid amount thereof from such goods, such Officer may notify in writing to the Tahsildar within the local limits of whose jurisdiction such person resides or owns property, the name and residence of the said person and the amount of penalty or increased rate of duty unrecovered, and such Tahsildar shall thereupon recover the said amount as if it were an arrear of land revenue.

46. No owner of goods shall be entitled to claim from any Officer of Customs compensation for any loss or damage occurring to such goods at any time while they remain or are lawfully detained in any Customs house, or under charge of any Officer of Customs, unless it be proved that such loss or damage was occasioned by the culpable neglect or wilful act of such Officer of Customs.

No compensation for loss or injury except on proof of neglect or wilful act.

47. No suit or other proceeding shall lie against Our Government, or against any Officer of the Government, for any act done, or ordered to be done in good faith, in pursuance of this Regulation.

Bar of action.

No suit or other proceeding shall lie against Our Government, or against any Officer of the Government, for any act done, or ordered to be done, in pursuance of this Regulation, after the expiry of three months from the accrual of the cause of action.

48. Customs Officers superior in rank to the Officer in charge of a Customs house or Range may exercise the same powers throughout the local area to which they are appointed as may be exercised by such Officer within the limits of his jurisdiction.

Powers of superior Officers.

49. All Rules made under this Regulation shall be notified in the Gazette, and shall thereupon have the force of law.

Rules to be notified.

50. Any Notification, made by any authority under powers conferred by this Regulation, may be cancelled in like manner by same authority.

Cancellation of Notification.

RULES AND NOTIFICATIONS.

I. RULES.

(Dated 30th April 1916.) (a)

In exercise of the powers conferred by Section 13 of the Land Customs Regulation, II of 1091, the following Rules are prescribed, under sanction of His Highness the Maha Raja, for the grant of licenses to persons who purchase goods subject to export duty and store the same for subsequent sale, in places situate within a distance of one mile from the land frontier of Travancore.

1. These Rules shall be in force only in the Taluks of Vaikom, Shertallay, Muvattupuzha, Kuunathunad, Alengad and Parur.

2. Persons desirous of owning, erecting or maintaining any godown or other building or place within a distance of one mile from the land frontier of Travancore for the storage of any goods subject to export duty which such persons purchase for subsequent sale, shall forward their applications for licenses, in such form as the Controlling Officer of Customs may prescribe, to the Chief Customs Officer in charge of the Circle within the limits of which such storage and sale are intended to be carried on.

3. On receipt of such application, the Chief Customs Officer shall, after such enquiry as he deems fit to make and on being satisfied that there are no grounds which disentitle the applicant to a license, grant to such applicant free of fee a license within ten days of the receipt of the application. The license so granted shall be forwarded direct to the applicant and the particulars thereof shall be intimated to the Customs Officer in charge of the Range within which the place of business described in such license is situate.

4. No license shall be issued to any person—

(a) who has been convicted of an offence falling under the Travancore Penal Code and involving moral turpitude, or

(b) who has been convicted of any serious offence under any law relating to separate Revenue, or

(a) *T. G. G., dated 23-5-1916, Pt. I, Pp. 509-510.*

(c) who is a defaulter in respect of any contract relating to Separate Revenue, or of any sum due to the Government under Separate Revenue, or

(d) who is a public servant in the active service of the Government, or

(e) who is under 18 years of age.

(5) A license issued under these Rules shall be subject to the following conditions :—

(a) The license shall have effect for a period of one Malayalam official year commencing from the first day of Chingom, or in the event of the license being issued on a later day during the year, from such date of issue to the last day of Karkatakom.

(b) The sale or storage by the licensee of any goods described in the license outside the limits mentioned therein is prohibited.

(c) The licensee shall put up a sign board at the entrance to his licensed premises stating, in the local vernacular, the number of the license and the nature of his trade.

(d) The licensed premises shall have a suitable enclosure within which the licensee shall transact his business in a building which shall always be accessible to the Officers of the Excise Department who are competent, under these Rules, to examine the accounts and goods of the licensee. The licensee shall have his license hung up in a conspicuous place within such building. And he shall render to every Officer authorised to inspect such licensed premises all facilities for the examination of the accounts and the verification of stock.

(e) Every licensee shall maintain in his licensed premises, from day to day, true accounts of the transactions which shall be written in ink in the form prescribed by the Controlling Officer of Customs. Such accounts shall be in printed books (foolscap size) each book having not less than 50 such forms. The licensee shall, before making any entry in such book, produce it before the chief Customs Officer in charge of the Circle who shall cause the pages of such book being stamped with his office stamp and a certificate entered therein showing the number of pages contained in such book and also the fact of each page having been duly stamped. The closing balance of the stock shall daily be entered in such book as soon as the transactions for each day are closed. The licensee shall sign such entry.

(*f*) The licensee shall maintain in his licensed premises an inspection note-book with the pages numbered consecutively for inspecting Officers to enter their remarks in. Both this book and the account book described in the last preceding Clause shall be produced by the licensee whenever called on to do so by an Officer empowered to examine the stock and accounts of the licensee.

(*g*) The licensee shall carefully preserve in his licensed premises the certificates received by him from Customs houses evidencing the payment of duty on each consignment of goods exported by him and he shall produce the same for the inspection of Officers authorised to examine his accounts and stock.

(*h*) No goods falling within the purview of his license shall be kept by the licensee within his licensed premises unless the same has previously been credited in the accounts kept by him under Clause (*e*), Rule 5.

(*i*) Every licensee shall have in his licensed premises a pair of large scales and also a set of authorised weights for weighing at least one cwt. of goods at a time.

(*j*) No licensee shall remove for the purpose of export any goods from his licensed premises unless he has previously obtained a manifest in respect of such goods. Officers in charge of manifest-registering stations will issue manifests on the application of a licensee without insisting on the production of the goods before such stations.

(*k*) The licensee shall not take into his licensed premises or remove therefrom any dutiable goods except between sunrise and sunset.

(*l*) The licensee shall not have pecuniary dealings of any kind with any Officer of the Excise Department.

(*m*) The licensee shall give intimation to an Officer of the Excise Department not below the rank of a Petty Officer, of any intention, which comes to his knowledge, on the part of any person to commit an offence under the Land Customs Regulation or of the commission of any such offence which comes to his knowledge.

(*n*) Such returns and information as may be required by the Controlling Officer of Customs or the Chief Customs Officer shall be furnished by the licensee.

(*o*) Infraction of any of the conditions of the license either by a licensee or by any person in his employment will entail on the licensee either a fine up to Rs. (10) ten, or the cancellation of his license or both. It shall be competent to the Chief Customs Officer to impose the above fine ; but no license shall be cancelled except with the previous sanction of the Controlling Officer of Customs. The imposition of a fine or the cancellation of a license, under these Rules, shall not relieve the licensee or any person in his employ-

ment from liability to be prosecuted for any offence committed against the Land Customs Regulation or any infringement of these Rules.

(*p*) When the period of a license granted under these Rules expires and such license is not renewed for the next following official year, or, when a license is cancelled and a notice of such cancellation is given to the licensee, such person shall within one month from the date of expiry of the period of the license or from the receipt of such notice, as the case may be, sell all dutiable goods that may remain with him or export the same on payment of the prescribed duty. Should the owner of such goods fail to do so within the prescribed period, the Chief Customs Officer shall arrange for the goods being kept under such custody as he deems necessary and shall allow the owner a further period of one month to sell the goods or to export the same under the Customs Rules. If before the expiry of the further period, the owner of the goods fails to dispose of it, the Chief Customs Officer shall, with the previous sanction of the Controlling Officer of Customs, sell the same by public auction and deliver to the owner the proceeds thereof after deducting the expenses connected with the sale.

(*q*) If the licensee shall be convicted of any offence under the Land Customs Regulation, the Officer who granted such license may declare it forfeited.

(*r*) If the licensee shall be convicted under the Penal Code, such conviction shall render him liable to forfeiture of the license if the offence of which he is convicted is such as, in the opinion of the Controlling Officer of Customs, renders him unfit to hold it.

(*s*) The licensee shall be bound by all the Rules which have been passed under the Land Customs Regulation II of 1091 or which may hereafter be passed under the said Regulation or under any law relating to Land Customs Revenue which may, hereafter, be passed.

6. The Controlling Officer of Customs, Chief Customs Officers and Customs Officers in charge of Ranges are empowered to examine the stock and accounts of licensed vendors of dutiable goods under these Rules.

7. Powers granted to any Officer under these Rules may be exercised by any other Officer to whom the former is subordinate and it shall be competent to such superior Officer to set aside, modify or otherwise revise an order passed by any Officer subordinate to him.

(8) Appeals from the decision of the Chief Customs Officer under these Rules shall lie to the Controlling Officer of Customs and appeals from the original orders of the Controlling Officer of Customs shall lie to the Government, provided that the

appeal, in each case, is preferred within 30 days from the date of the order appealed against and is accompanied by a copy of such order.

(9) It shall be competent for the Controlling Officer of Customs to prescribe the regisers and accounts the maintenance of which in institutions or by Officers under his control he deems necessary for the general carrying out of these Rules and also the forms for such registers and accounts, and for the accounts, returns, applications, etc., described in these Rules.

(10) These Rules shall come into force on the first day of Mithunam 1091.

II. GOVERNMENT NOTIFICATIONS.

(1)

(No. S. R. 11 dated 5th January, 1920.)

In exercise of the powers conferred by Section 13 of the Land Customs Regulation, II of 1091, it is hereby notified, under sanction of His Highness the Maha Raja, that the Rules dated 30th April 1916, regulating the grant of licenses to persons who purchase goods subject to export duty and store the same for subsequent sale in places situate within a distance of one mile from the land frontier of Travancore, are extended to the Taluk of Shencotta with effect from the 1st Makaram 1095.

T. G. G., dated 6-1-1920, Pt. I, P. 4.

(2)

(Dis. No. 192/S. R./21 dated 23rd February 1921.)

In modification of Notification No. S. R. 11/137 of '16, dated the 5th January 1920 extending to the Shencotta Taluk the Rules dated the 30th April 1916, regulating the grant of licenses to persons who purchase goods subject to export duty and store the same for subsequent sale in places situated within a distance of one mile from the land frontier of Travancore, it is hereby notified under Section 13 of the Land Customs Regulation, II of 1091, and under sanction of His Highness the Maha Raja, that as regards the Shencotta Taluk, the above Rules will apply only to the articles mentioned in column 2 and to the storage of the quantities noted against each article in column 3 of the Schedule hereto annexed.

Item.	Name of article.	Quantity.
1	Cocoanut oil	In excess of 4 tins or 1½ cwts.
2	Laurel oil	Do. Do.
3	Salted fish	In excess of 1 cwt.

T. G. G., dated 8-3-1921, Pt. IV, Excise Dept., P. 66.

NOTICE.

(Dated 17th March 1916/4th Meenom 1091.) (a)

[As amended.]

Under Section 15 of the Land Customs Regulation II of 1091, it is hereby notified that manifests intended for a Customs house mentioned in column 3 of the accompanying Schedule shall be registered only in any one of the places described against that Customs house in column 4 thereof.

No.	Taluk.	Customs house.	Manifest Registering stations.	Explanatory remarks.
1	Vaikom	Arukutty	1. Kizhakemukku 2. Paduvunkal 3. Kalathode 4. Murinjapuzha	For goods from the eastern portion of Perumbalam. For goods taken down the Muvattupuzha river.
2	Do.	Kandanad	1. Murinjapuzha 2. Poothotta 3. Thadathikadavu 4. Mangaikadavu	Do. Do. For goods from Mattathankadavu, Eliakadavu and other places to the east of Udayamperur. For goods from places between the Kandanad Customs house and the frontier beyond Mangaikadavu.
3	Do.	Udayamperur	Alunkal	At the junction of the Vaikom Udayamperur road and the road to Vettikal.
4	Shertallay	Mukkom	1. Kottapuram West 2. Anjilikad	For goods from places between the Kottapuram west station and the Mukkom Customs house. For goods from places between Anjilikad and Mukkom Customs house.
5	Do.	Veluthully	1. Thottumukom 2. Muthuka	This place is situate at the northern end of the Ezhupunnai canal.
6	Do.	Anthakarazhi	1. Manakodam 2. Muttunkal	For goods from Arathunkal and other places to the south of Manakodam. This place lies one furlong to the south of the Customs house. Here, manifests will be issued for goods from places to the north of Manakodam.

(a) *T. G. G. dated 28-3-1916, Pt. IV, Excise Dept., Pp. 112-113.*

No.	Taluk.	Customs house.	Manifest Registering stations.	Explanatory remarks
7	Kunnathunad	Puthenchunkom	[1. Kolathumkadavu 2. Thengode	For goods from Chemmanad Pakuthi. For goods from Thrikkakara and Kizhakkumbalom Pakuthis.] (a)
8	Do.	Mamalay	1. Thattupalam 2. Sasthamukal 3. Puthencruz	For goods from places lying between Puthencruz and Mamalay. For goods from Puthencruz or from places to the east of Puthencruz.
9	Do.	Vallom	1. Nampalli 2. Mudikal 3. Vallom	For goods intended for Vellarapalli *via* Periyar from places situate above the Vallom Customs house. For goods to Vellarapalli from places lying between Vallom Customs house and a point which is one mile to the west of the Mudikal station. At the junction of the main central road and the Kodanad and Vallom roads.
10	Alengad	Alwaye Thottumukom	1 Thottumukom 2. Kunnukuzhi	At the point where the road to the Customs house branches off from the Alwaye-Perumbavur road. For goods to Vellarapalli *via* Periyar from places between Thottumukom and a point which is one mile to the west of the Mudikal Station.
11	Do.	Ankamali	Ankamali	At the junction of the road to the Railway station and the road to Alwaye.
12	Do.	Edapalli	1. Peeliyad 2. Palarivattom	
13	Parur	Verapuzha	1. Alwaye market 2. Muttinakom 3. Poottukutty 4. Manjummel.	For goods going down the river from Alwaye.
14	Do.	Chathanad	1. Kodavakad 2. Pulinganad.	
15	Do.	Parur Thottumukom	1. Market landing 2. Kidamangalam 3. Moolaikadavu 4. Chekithanthara	

(a) Revised by Notice dated 7th March 1927.—*T. G. G., dated 15-3-1927, Pt. IV, Revenue Dept., P. 95.*

No.	Taluk.	Customs house.	Manifest registering stations.	Explanatory remarks.
16	Parur	Bhagavathi-kotta	1. Chathottumpuram 2. Malavana 3. Manjali	
17	Do.	Puthenchira	1. Vadakumuri market 2. Karingamchira	
18	Do.	Munambom	1. Kunjithai 2. Azhikal 3. Vadakal [4. Kuriyapally	For goods from the Karas of Vavakad, Mataplathuruthu Kottuvallikad, Moothakunnam and Kottapram,] (a).
[19	Do.	Edapally	Kumbalapally	For goods from Kumbalapally, Venmala and Chalikavattom karas and from those portions of the Padivattom and Palarivattom karas that lie to the south of the lane running from Palarivattom road (Cochin) to the Pulikkillom ferry.] (b)
20	Muvattupuzha	Vettikal	1. Piravom 2. Mundankad	
21	[Do.	Peppathipara	1. Karurkavu	Manifest will be issued by the peons of the Karurkavu preventive station. This is intended for goods coming from Karurkara and places west of it.
			2. Piravom	Manifests will be issued by the Petty Officer of the Piravom Range office. This is intended for goods from Piravom and places east of it.
			3. Thottoor	Manifests will be issued by the peons of the Thottoor station. This is intended for goods coming from Mulakulam and places surrounding Thoottoor station.

(a) Added by Notice dated 23rd August 1921.—*T. G. G., dated 13-9-1921, Pt. IV, Excise Dept., P. 248.*

(b) Added by Notice dated 6th August 1927.—*T. G. G., dated 26-8-1927, Pt. IV, Excise Dept., P. 176.*

No.	Taluk.	Customs house.	Manifest Registering station.	Explanatory remarks.
21	Muvattupuzha	Peppathipara	4. Pulithook	Manifests will be issued by the peons of the Pulithook station. This is intended for goods coming from places surrounding Pulithook station and Pazhoorkara.] (a).
[22	Thovala	Aramboly	At the junction of the Thittuvila station and the main southern roads at Aramboly.	For all goods intended to be exported through Aramboly.] (b).

REGULATION III OF 1091. (‡)

THE BRITISH TELEGRAPH PROTECTION REGULATION.

CONTENTS.

Preamble.

PART I.

Preliminary.

Sections.

1. Short title, application and commencement.
2. Repeal.
3. Definitions.
   (1) "Telegraph."
   (2) "Telegraph Officer."
   (3) "Message."
   (4) "Telegraph line."
   (5) "Post."
   (6) "Telegraph authority."
   (7) "Local authority."

(a) Added by Notice dated 20th May 1927.—*T. G. G., dated 31-5-1927, Pt. IV, Excise Dept., P. 197.*

(b) Added by Notice dated 16th June 1918.—*T. G. G., dated 2-7-1918, Pt. IV, Excise Dept., P. 211.*

(‡) The Regulation was published in the Gazette dated 21st March 1916.

PART II.

Power to place Telegraph Lines and Posts.

4. Power for telegraph authority to place and maintain Telegraph lines and posts.
5. Power to enter on property in order to repair or remove telegraph lines or posts.

Provisions applicable to property vested in or under the control or management of local authorities.

6. Power for local authority to give permission under Section 4, Clause (c) subject to conditions.
7. Power for local authority to require removal or alteration of telegraph line or post.
8. Power to alter position of gas or water pipes or drains.
9. Disputes between telegraph authority and local authority.

Provisions applicable to other property.

10. Exercise of powers conferred by Section 4, and disputes as to compensation, in case of property other than that of a local authority.
11. Removal or alteration of telegraph line or post on property other than that of a local authority.

Provisions applicable to all property.

12. Removal of trees interrupting telegraphic communication.
13. Telegraph lines and posts placed before the passing of this Regulation.
14. Person exercising legal right likely to damage telegraph or interfere with telegraphic communication to give notice.

PART III.

Penalties.

15. Intrusion into signal room, trespass in telegraph office or obstruction.
16. Unlawfully attempting to learn contents of messages.
17. Intentionally damaging or tampering with telegraphs.
18. Injury to or interference with a telegraph line or post.
19. Telegraph Officer or other official making away with or altering or unlawfully intercepting or disclosing messages or divulging purport of signals.
20. Telegraph Officer fraudulently sending messages without payment.
21. Misconduct.
22. Sending fabricated message.

Sections.

23. Making or issuing unauthorised and false document.
24. Retaining a message delivered by mistake.
25. Bribery.
26. Attempts to commit offences.

A Regulation for the Protection of the British Telegraph

Passed by His Highness the Maha Raja of Travancore, on the 15th March 1916 corresponding with the 2nd Meenam 1091, under Section 14 of Regulation V of 1073.

Preamble.

Whereas it is expedient to make better provision for the protection and efficient working of the British Electric Telegraph in Travancore; It is hereby enacted as follows:—

PART I.

Preliminary.

Short title, application and commencement.

1. (1) This Regulation may be called "The British Telegraph Protection Regulation."

(2) It applies to the whole of Travancore.

(3) It shall come into force on the first day of Medom 1091.

Repeal.

2. Regulation I of 1039 is hereby repealed.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

"Telegraph."

(1) 'Telegraph' means an electric, galvanic or magnetic telegraph, and includes appliances and apparatus for making, transmitting or receiving telegraphic communications by means of electricity, galvanism or magnetism :

"Telegraph Officer."

(2) 'Telegraph Officer' means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by the British Government :

"Message."

(3) 'Message' means any communication sent by telegraph, or given to a Telegraph Officer to be sent by telegraph or to be delivered :

"Telegraph line." (4) 'Telegraph line' means a wire or wires used for the purpose of a telegraph, with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same:

"Post." (5) 'Post' means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line :

"Telegraph authority." (6) 'Telegraph authority' means the Director-General of Posts and Telegraphs in British India, and includes any Officer empowered by him to perform all or any of the functions of the telegraph authority under the British Indian Telegraph Act for the time being in force :

"Local authority." (7) 'Local authority' means any Town Improvement Committee or other authority legally entitled to, or entrusted by Our Government with, the control or management of any Town or local fund.

PART II.

Power to place Telegraph Lines and Posts.

Power for telegraph authority to place and maintain Telegraph lines and posts.

4. The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property:

Provided that—

(a) the telegraph authority shall not exercise the powers conferred by this Section except for the purposes of a telegraph established or maintained by the British Government, or to be so established or maintained;

(b) the British Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post;

(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority ; and

(*d*) in the exercise of the powers conferred by this Section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in Clause (*c*), shall pay full compensation to all persons interested, for any damage sustained by them by reason of the exercise of those powers.

Power to enter on property in order to repair or remove telegraph lines or posts.

5. The telegraph authority may, at any time, for the purpose of examining, repairing, altering or removing any telegraph line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Provisions applicable to property vested in or under the control or management of local authorities.

Power for local authority to give permission under Section 4, Clause (c), subject to conditions.

6. Any permission given by a local authority under Section 4, Clause (*c*), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that Section, or as to the time or mode of execution of any work, or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers.

Power for local authority to require removal or alteration of telegraph line or post.

7. When, under the foregoing provisions of this Regulation, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority to remove it or alter its position, as the case may be.

Power to alter position of gas or water pipes or drains.

8. The telegraph authority may, for the purpose of exercising the powers conferred upon it by this Regulation in respect of any property vested in or under the control or management of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water, or of any drain (not being a main drain):

Provided that—

(*a*) when the telegraph authority desires to alter the position of any such pipe or drain, it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe or drain is not under the control of the local authority, to the person under whose control the pipe or drain is;

(*b*) a local authority or person receiving notice under Clause (*a*) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telegraph authority and local authority.

9. If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in Section 4, Clause (*c*), or prescribing any condition under Section 6, or in consequence of the telegraph authority omitting to comply with a requisition made under Section 7, or otherwise in respect of the exercise of the powers conferred by this Regulation, it shall be determined by Our Government.

Provisions applicable to other property.

Exercise of powers conferred by Section 4, and disputes as to compensation, in case of property other than that of a local authority.

10. (1) If the exercise of the powers mentioned in Section 4 in respect of property referred to in Clause (*d*) of that Section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegragh authority shall be permitted to exercise them.

(2) If, after the making of an order under Sub-section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under Section 181 of the Travancore Penal Code.

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under Section 4, Clause (*d*), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient, or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under Sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(5) Every determination of a dispute by a District Judge under Sub-section (3) or Sub-section (4) shall be final:

Provided that nothing in this Sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority from the person who has received the same.

Removal or alteration of telegraph line or post on property other than that of a local authority.

11. (1) When, under the foregoing provisions of this Regulation, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly:

Provided that, if compensation has been paid under Section 4 Clause (*d*), he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(2) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situate to order the removal or alteration.

(3) A District Magistrate receiving an application under Sub-section (2) may, in his discretion, reject the same or make an order, absolutely or subject to conditions, for the removal of the telegraph line

or post to any other part of the property or to a higher or lower level or for the alteration of its form; and the order so made shall be final.

Provisions applicable to all property.

Removel of trees interrupting telegraphic communication.

12. (1) If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a Magistrate of the First or Second Class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.

(2) When disposing of an application under Sub-section (1), the Magistrate shall, in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable, and the award shall be final.

Telegraph lines and posts placed before the passing of this Regulation.

13 Every telegraph line or post placed before the passing of this Regulation under, over, along, across, in or upon any property, for the purposes of a telegraph established or maintained by the British Government, shall be deemed to have been placed in exercise of the powers conferred by, and after observance of all the requirements of, this Regulation.

Person exercising legal right likely to damage telegraph or interfere with telegraphic communication to give notice.

14. (1) Any person desiring to deal in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph line or post which has been duly placed in accordance with the provisions of this Regulation, or to interrupt or interfere with telegraphic communication, shall give not less than one month's notice in writing of the intended exercise of such right to the telegraph authority, or to any Telegraph Officer whom the telegraph authority may empower in this behalf.

(2) If any such person, without having complied with the provisions of Sub-section (1), deals with any property in such a manner as is likely to cause damage to any telegraph line or post, or to interrupt or interfere with telegraphic communication, a Magistrate of the First or Second Class may, on the application of the telegraph authority, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

(3) A person dealing with any property in the manner referred to in Sub-section (1), with the *bona fide* intention of averting imminent danger of personal injury to himself or any other human being, shall be deemed to have complied with the provisions of the said Sub-section if he gives such notice of the intended exercise of the right as is in the circumstances possible, or, where no such previous notice can be given without incurring the imminent danger referred to above, if he forthwith gives notice of the actual exercise of such right to the authority or Officer specified in the said Sub-section.

PART III.

Penalties.

15. If any person—

Intrusion into signal room, trespass in telegraph office or obstruction.

(*a*) without permission of competent authority, enters the singal-rcom of a telegraph office of the British Government, or,

(*b*) enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so, or

(*c*) refuses to quit such room or enclosure on being requested to do so by any Officer or servant employed therein, or

(*d*) wilfully obstructs or impedes any such Officer or servant in the performance of his duty,

he shall be punished with fine which may extend to five hundred rupees.

Unlawfully attempting to learn contents of messages.

16. If any person does any of the acts mentioned in Section 15 with the inteation of unlawfully learning the contents of any message, or of committing any offence punishable under this Regulation, he may (in addition to the fine with which he is punishable under Section 15) be punished with imprisonment for a term which may extend to one year.

Intentionally damaging or tampering with telegraphs.

17. If any person, intending—

(*a*) to prevent or obstruct the transmission or delivery of any message, or

(*b*) to intercept or to acquaint himself with the contents of any message, or

(*c*) to commit mischief,

damages, removes, tampers with or touches any battery, machinery, telegraph line, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Injury to or interference with a telegraph line or post.

18. If, in any case not provided for by Section 17, any person deals with any property and thereby wilfully or negligently damages any telegraph line or post duly placed on such property in accordance with the provisions of this Regulation, he shall be liable to pay the telegraph authority such expenses (if any) as may be incurred in making good such damage, and shall also, if the telegraphic communication is by reason of the damage so caused interrupted, be punishable with fine which may extend to one thousand rupees:

Provided that the provisions of this Section shall not apply where such damage or interruption is caused by a person dealing with any property in the legal exercise of a right, if he has complied with the provisions of Section 14, Sub-section (1).

Telegraph Officer or other Official making away with or altering or unlawfully intercepting or disclosing messages, or divulging purport of signals.

19. If any Telegraph Officer, or any person not being a Telegraph Officer but having official duties connected with any office which is used as a telegraph office,—

(a) wilfully secretes, makes away with or alters any message which he has received for transmission or delivery, or

(b) wilfully and otherwise than in obedience to an order of the Governor-General in Council, or of a Local Government in India, or of an Officer specially authorised by the Governor-General in Council to make the order, omits to transmit, or intercepts or detains, any message or any part thereof, or otherwise than in pursuance of his official duty or in obedience to the direction of a competent Court, discloses the contents or any part of the contents of any message, to any person not entitled to receive the same, or

(c) divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Telegraph Officer fraudulently sending messages without payment.

20. If any Telegraph Officer transmits by telegraph any message on which the charge prescribed by the Government of India has not been paid, intending thereby to defraud the Government, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Misconduct.

21. If any Telegraph Officer, or any person not being a Telegraph Officer but having official duties connected with any office which is used as a telegraph office, is guilty of any act of drunkenness, carelessness or other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed,

or if any Telegraph Officer loiters or delays in the transmission or delivery of any message,

he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Sending fabricated message.

22. If any person transmits or causes to be transmitted by telegraph a message which he knows to be false or fabricated, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

23. If any person, without due authority,—

Making or issuing unauthorised and false document.

(a) makes or issues any document of a nature reasonably calculated to cause it to be believed that the document has been issued by, or under the authority of, the Director-General of Posts and Telegraphs in British India, or

(b) makes on any document any mark in imitation of, or similar to, or purporting to be, any stamp or mark of any telegraph office under the Director-General of Posts and Telegraphs, or a mark of a nature reasonably calculated to cause it to be believed that the document so marked has been issued by, or under the authority of, the Director-General of Posts and Telegraphs,

he shall be punished with fine which may extend to fifty rupees,

24. If any person fraudulently retains, or wilfully secretes, makes away with or detains a message which ought to have been delivered to some other person, or, being required by a Telegraph Officer to deliver up any such message, neglects or refuses to do so, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Retaining a message delivered by mistake.

25. A Telegraph Officer shall be deemed a public servant within the meaning of Sections 153, 154, 155, 156 and 157 of the Travancore Penal Code, and in the definition of "legal remuneration" contained in the said Section 153.

Bribery.

26. Whoever attempts to commit any offence punishable under this Regulation shall be punished with the punishment herein provided for the offence.

Attempts to commit offences.

PROCLAMATION

By His Highness the Maha Raja of Travancore issued under date the 30th Mithunom 1091, corresponding with the 13th July 1916.

Whereas instances of unauthorised conversion of Kandukrishi wet lands into gardens and building sites as well as other acts causing deterioration of the lands or diminution of their letting value by the holders thereof have been brought to Our notice ; And whereas such conversions and acts are deemed objectionable and incompatible with the nature of Kandukrishi lands and the conditions of their tenure and holding ; We are pleased to declare as follows :—

1. No holder of any Kandukrishi *wet* land shall convert such land or any portion thereof into a garden or a building site or a dry land, without the sanction of Our Government in writing previously obtained.

2. No holder of any Kandukrishi land, whether wet, garden or dry, shall do any act which directly or indirectly causes or is likely to cause the deterioration of the land, or diminishes its letting value.

3. If the holder of any Kandukrishi land does any act in contravention of the provisions of the two preceding Sections, it shall be competent to Our Government to impose on the land such prohibitory assessment as Our Government may consider proper, or resume it from the

---

The Proclamation was published in the Gazette dated 18th July 1916.

holder and re-lease it to any other person, or to deal with it in any other manner.

4. This Proclamation does not apply to conversions of Kandukrishi *wet* lands made prior to and recognised at the last Revenue Settlement. But every case of unauthorised conversion or deterioration of Kandukrishi land or diminution of its letting value directly or indirectly brought about by the holders thereof subsequent to the Settlement, shall be enquired into and reported to Our Government by the Division Peishkars of the several Divisions with the necessary particulars and it shall be competent to Our Government to deal with such cases in any manner mentioned in the preceding Sections.

5. No Civil suit shall lie against Our Government in respect of anything done in pursuance of this Proclamation.

REGULATION IV OF 1091.

LAND CONSERVANCY REGULATION.

CONTENTS.

Preamble.
Sections.

1. Short title, extent and commencement.
2. Repeal and saving.
3. "Property of Government" defined.
4. "Poramboke" defined.
   "Occupant" defined.
5. Land which is the property of Government not to be occupied without permission.
6. Punishment for unauthorisedly occupying a land which is the property of Government.
7. (1) Levy of assessment on lands which are the property of Government unauthorisedly occupied.
   (2) Levy of prohibitory assessment on Poramboke unauthorisedly occupied.

Sections.

8. Liability of unauthorised occupant for trees destroyed or appropriated.

9. Liability of unauthorised occupant to summary eviction, forfeiture of crops, etc.

Mode of eviction.

10. Prior notice to occupant.

11. Power to make Rules.

12. Recovery of fines, assessment, etc., as arrears of land revenue.

13. Officers to exercise powers of Division Peishkar.

14. Appeal and revision.

15. Limitation of appeal.

16. Petition of appeal to be accompanied by the order appealed against.

17. Saving of operation of other laws in force.

18. Saving of suits by persons aggrieved by proceedings under this Regulation.

Schedule—Form of warrant to be issued by the Division Peishkar under Section 9.

A Regulation to amend the Government Land Conservancy Regulation, II of 1067, as amended by Regulations I of 1075 and II of 1085,

Passed by His Highness the Maha Raja of Travancore on the 24th July 1916 corresponding with the 9th Karkatakom 1091, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to consolidate and amend the law checking the unauthorised occupation of Government lands; It is hereby enacted as follows:—

Land Conservancy law.—(1) The circumstances that led to the initiation of legislation upon the subject and the changes subsequently made in the law are summarised below. The State Administration Report for the year 1063 M. E., thus described the state of things that had been prevailing in regard to the occupation of Government land :—"234. According to the established usage of the country, any native may take up a place of waste land, enclose and plant it, and enjoy the fruits thereof till such time as its reclamation is discovered by the local Revenue officials, or failing them, by the Survey and Settlement Officers. On the discovery being made, enquiries are instituted among the neighbours and assessment levied at the usual Payattupattom rate, *i. e.*, about a quarter of a rupee per acre, from the time he entered upon possession, and at he tree rate from the time the taxable trees came into bearing. * * Many persons seek registry in their names, either before or immediately after taken possession, as by this

means they avoid the risk of contesting claims being advanced at a future time and also the liability to pay down in a lump the accumulated arrears of tax. But many again are not so prudent and trust to the chances of the years that may elapse before a discovery is made. Whatever may be the disadvantages attaching to this system, it has this recommendation that a poor family with physical energy and skill but very little capital can acquire a small holding in land and gradually extend and improve it as means permit, while, if waste lands were advertised and put up to competition the tendency would be to shut out the working from the proprietorship of land which would go to add its wealth to where wealth already exists. To this system is doubtless due the large number of peasant proprietors in the country. There are not many families who do not possess some small holding of their own with a dwelling house in it.

In his Review of the year's Report, the Resident remarked :—"The system by which holdings are acquired according to the 'established usage' of the country as described * * appears to be about as bad a system as it would be possible to devise. Persons are tacitly permitted to secretly enter upon waste Government lands, open and enclose and build thereon and enjoy free of tax until their trespass is discovered. Thus tracts of forests which may be of considerable future value are permitted to be recklessly destroyed, and portions of land which it might be of the highest importance for the Government to reserve are allowed to be surreptitiously occupied.

The system should be at once checked; nothing but an extraordinary lax conduct of business amongst the Taluk officials could admit of the continuance of such a method, and such laxity should not be tolerated, much less encouraged.

There is no necessity that lands should be put up to auction, but prior to occupation the would-be occupant should be compelled to put in an application, and it should be ascertained whether there is any objection to granting permission. If it is feared that the Revenue official staff is not equal to meeting promptly all such applications, some tentative system of granting a provisional permission might be devised."

On this, the Madras Government observed :— "The singular system of 'squatting' described by the Dewan, and commented upon in the 15th paragraph of the Resident's review, has greatly increased the number of settlement cases. Granting the advantage to individuals, it is, to say the least, doubtful whether the Government, or the community as a whole, profit by a system under which reckless destruction of forest land is probably the rule. The Government consider that the existing system should be altered, and that a system of application to occupy waste before its occupation is permitted should be substituted for it, as suggested by the Resident. The growth of peasant proprietorship would be in no way checked by such a change, while the rights of the State would be safeguarded."

(2) In pursuance of the suggestions made as mentioned above, a Bill was introduced in the Council which was enacted as Regulation II of 1067. It does not appear to have been based upon or adapted from any corresponding Legislative enactment of British India in force at the time. In the Statement appended to the Bill, it was stated as follows :— "There is at present no law regulating the occupancy of waste lands.* * This system of unrestricted squatting, while it doubtless facilitates and stimulates the reclamation of waste lands, is nevertheless open to objection as tending to the destruction of valuable trees and giving a premium as it were for deception and fraud. Instances are not wanting of the destruction of valuable forests for purposes of *malavarom* or hill cultivation. The object of this Bill is to check such mischief without creating any unnecessary difficulty in the way of turning to useful purposes cultivable waste lands which now lie fallow."— *S. O & R.*

(3) Regulation II of 1067 thus enacted was amended first by Regulation I of 1075 and then by Regulation II of 1085 to remove defects found in the working of the law. The former added a Section to the original Regulation, which empowered the Government to authorise any Officer, by name or by virtue of his office, to exercise all or any of the powers conferred on a Division Peishkar by the Regulation. The latter made provision with regard to the conservancy of Sreepadom lands and lands even within the limits of private estates and Edavagays intended for public use and maintained by Government, and for the recovery of the cost of eviction and removal of encroachment.

Regn. IV of 1091: I. *Objects and Reasons*—(1) "1. The existing Land Conservancy Regulation was passed more than 23 years ago, and though since then there have been two amending Regulations, the Regulation is found to be defective and difficulty is experienced in the practical working of the same.

" 2. Government lands are defined to be 'lands at the disposal of Government and which are not registered in the names of private individuals.' 'Lands at the disposal of Government' have not been defined and the negative portion of the definition is not sufficiently exhaustive.

"3. Under the existing Regulation, there is no power of assessment for the whole period of occupation and in the case of Poramboke it is doubted whether prohibitory assessment and eviction can both be ordered. Further, the right of Government to refuse registry and to evict the occupant is restricted to cases where the lands are required for Government purposes. This is an unnecessary restriction upon the discretion of Government. These defects have to be cured. It is therefore thought desirable to revise the whole Regulation. * * " *S. O & R.*

(2) In introducing the Bill and moving that its principle be affirmed, the Official Member in charge said:— "Considerable difficulties having been experienced in the practical working of the Regulation, the opinions of all Officers having anything to do with the working of the Land Conservancy Regulation were invited, and their suggestions have as far as possible been adopted. Though the Statement of Objects and Reasons and the notes on the various Clauses explain the nature and scope of the amendments proposed in the Bill, I shall make a few observations on some of the important points connected with the Bill.

"It is at the outset necessary to have a clear idea of what Government lands are. "Government lands" have been defined to mean and include "lands at the disposal of Government." This expression has not been defined in the Regulation itself; but its meaning is intended to be conveyed by the latter half of the definition, *viz.*, that they are lands "which are not registered in the name of a private individual." A private individual does not include a corporation or a company, public or private, incorporated or unincorporated. Registered companies with limited or unlimited liabilities and the Town Improvement Committees are instances of bodies capable of holding properties. The definition as it stands is not therefore exhaustive. The expression "lands at the disposal of the Government" has been more clearly defined in the Forest Regulation. Under that Regulation, they do not include lands which are "the property of land-holders such as Jenmis, Devaswoms, or holders of Inam lands and also all holdings of land in any way subject to the payment of land revenue direct to Government" and "all other registered holdings of land in proprietory right." Even this definition does not appear to be very satisfactory. As ordinarily understood, Devaswoms are Jenmis, and there is no reason why Devaswoms should be separately mentioned. Further, it is found that all Edavagais are not jenmom lands as ordinarily understood and they differ from jenmom lands with respect to their origin and incidence (*Vide* Mr. Mahadeva Aiyar's Revenue Manual, Vol. I,

Introduction, page xxviii). Again, in the words of the late Mr. Shungrasubba Aiyar, the system of land tenure in Travancore "is based on the Ryotwari principle, *viz*, the principle of direct settlement with individual ryots." All taxes are paid direct to Government and not through intermediate land-holders such as Zemindars in British India. There is therefore no force in the expression "paying land revenue *direct* to Government." There may no doubt be an assignment of revenue by the Government, *e. g.*, Thiruppuvaram payable to others. It cannot be suggested that the definition is intended to cover such cases, for the lands whose revenue is assigned are *subject* to the payment of revenue to Government, and further, such lands should not be omitted from the negative portion of the definition as the Government have no right over such lands. Lastly, the definition in the Forest Regulation does not reserve all rights of way and other public rights, and natural and other easement rights of other land-owners over Government lands.

"For the reasons stated above, it has been found necessary to have a more satisfactory definition of "Government lands." The expression "property of Government" was first defined in the Bombay Act V of 1879, and has been subsequently adopted in the Madras Land Encroachment Act, III of 1905. The same has been approved by Our High Court in 20 T. L. R., page 24 at 27. Though the various properties belonging to Government are enumerated in the British Indian Act, the term "Poramboke" has not been defined in the same. A distinction between Government lands which are Poramboke and those which are not Poramboke has all along been maintained in Travancore and it has been kept up in the last Settlement. The various properties mentioned in the British Indian Acts are more or less Porambokes. It has therefore been thought desirable to give a general definition of Government lands, following that of "Government property" in the Bombay and Madras Acts, and to enumerate the Porambokes. The definition of "Government lands" is, I believe, a satisfactory one. If there are still any defects in the definition, they may be cured during the further stages of the Bill.

"Again, doubts have arisen as to whether the definition includes what are called Niruthal lands and lands held by right of escheat, purchase, resumption or acquisition. An explanation has therefore been added to Sub-section (1) of Section 3. It is always an important duty of Government to preserve from encroachment the communal lands used or reserved for the purposes or convenience of the villagers. It was with that view that the provisions of the Land Conservancy Regulation were made applicable by Section 15-A of the Regulation to such lands even in private estates. But the limitation to the Section, *viz.*, that Government could interfere under the Regulation only if such lands are maintained by the Government, renders the provision inoperative and thus the very object of the Section is defeated. There may be many properties in private estates and Edavagais used or reserved for public purposes and yet not maintained by Government. Burning and burial grounds, threshing floors, bathing ghauts, and lanes may not be maintained by Government, and it cannot be denied that it is at the same time absolutely necessary to prevent encroachment on such lands. There may be unscrupulous members of a community who, in utter disregard of the rights of the community and with a view to attain their own advantages at the expense of others, may encroach on such communal lands. This evil practice has existed from the earliest times, and Yajnavalkya lays down that "whoever appropriates what belongs to the community shall be made to forfeit his property and be banished the realm." The limitation that Government may interfere only if such lands are maintained by the Government is therefore undesirable and unnecessary and the same has been omitted in Sub-section (2) of Section 3 which is only a reproduction of Section 15-A.

"Incorporated Devaswoms have all along been treated as Sirkar property. As doubts may arise on account of the separation of these Devaswom lands from Sirkar Ayacut, consequent on the recent proceedings of the Government, and as it is absolutely necessary that occupation of such unassigned Devaswom lands should be dealt with under the Regulation, these lands have also been included under Sub-section (2). Lastly, under the existing Towns Conservancy and Improvement Regulation, roads, streets, tanks and other properties do not vest in the Town Improvement Committees. A provision will have to be made vesting such properties in the Committees. They have therefore been included in Sub-section (2).

"Passing on to Porambokes, we find in the existing Regulation the expression "connected with public works." The expression "public works" is nowhere defined, and it is not necessary to have the same as distinct from "public purposes." The main test of a Poramboke is that it should be one used or reserved for public purposes. For the reasons already stated, communal lands have been included within the definition of Poramboke. It is not possible to enumerate exhaustively all the Porambokes. Power has therefore been given to the Government to declare any property to be Poramboke for the purposes of this Regulation.

"Considerable difficulty has been experienced in the working of Sections 4 and 5 of the existing Regulation.

"In the first place, there is no provision for the assessment of a Government land for past occupation.

"Secondly, if eviction in the case of a Government land other than Poramboke is thought necessary, it could be done only if it is wanted for Government purposes. Once it is admitted that the property is a Government land, the Government should have power to refuse registry and evict the occupant without assigning any reason. There does not, therefore, seem to be any necessity to restrict the rights of Government in dealing with their own property.

"Thirdly, it is doubted whether, in the case of Porambokes, if prohibitory assessment is levied, eviction could also be ordered. In practice, either prohibitory assessment or eviction is ordered, but not both. Prohibitory assessment in the case of Porambokes is only intended as an additional penalty for unauthorised occupation of a Poramboke. The ordinary assessment in such cases may be very little and the levy of the same may not act as a deterrent. This ought not to prevent the Government from evicting the occupant if necessary. These defects are intended to be remedied by Sections 6, 7 and 9. A tenant of Government land unauthorisedly holding over after his term of lease is declared liable under Sections 6, 7 and 9. No doubt a lessee of a land is not a mere licensee but also a grantee for the period covered by the lease. But, if the period of lease expires, he becomes a tenant by sufferance and ceases to be a grantee (*Vide* 24 T. L. R., page 127 at page 130). Though under the British Indian law a private owner will have to eject such a tenant through a Civil Court, in England the landlord can enter, provided he applies no force. Even in the case of a forcible entry there could only be a criminal prosecution, but not a civil remedy. While thus the English law gives the right of entry to a private landlord, there is no reason why the Government should not have the right of eviction in such cases. In Halsbury's *Laws of England* it is stated that there can be no tenancy at sufference against the Crown and that in such a case the person holding over is a mere trespasser. For the above reasons, an explanation has been added to Section 6 declaring the unauthorised occupation of tenants holding over to be liable to penalty under Section 6.

"The Division Peishkar is under Section 9 empowered, in cases of continued obstruction or resistance, to commit the obstructor to custody. This is a new provision. This

power is given to the Collector in the Madras Land Encroachment Act. Further, if in execution of a decree the judgment-debtor obstructs delivery, the Court is empowered under the Civil Procedure Code to commit the debtor to custody, as otherwise eviction may not be possible.

Sections 14 to 16 deal with appeals. Under the existing Regulation all appeals lie to the Dewan. Almost all the Tahsildars have been given the powers of a Division Peishkar under the Regulation, and it is undesirable that appeals from the decisions of Tahsildars should lie directly to the Dewan. The Government are therefore empowered to declare that an appeal from the decision of any Officer empowered under the Regulation should lie to the Division Peishkar. There is no second appeal from the decision of the Division Peishkar, but the Dewan has a right of revision.

To sum up, the main features of the new Bill are :—

(1) all property which does not belong to anybody else is Government property ;

(2) Niruthal and other lands held by right of escheat or otherwise have been declared to be Government lands ;

(3) lands used or reserved for communal purposes within the limits of private estates, even though they are not maintained by Government, are declared to be Porambokes ;

(4) the Government have been given the power to declare any Government land as Poramboke ;

(5) Kuthakapattom and other tenants holding over may be evicted ;

(6) the Division Peishkar has the power to fine in all cases of unauthorised occupation ;

(7) he can levy assessment or prohibitory assessment for the whole period of occupation in the case of Government land or Poramboke ;

(8) he can evict the occupant, even though assessment or prohibitory assessment is levied ;

(9) he can commit an occupant to custody in case of continued obstruction or resistance ;

(10) the Government have the power to frame Rules under the Regulation ;

(11) if Officers other than Division Peishkars are empowered to take action under the Regulation, the Government have the power to direct that appeals from their decisions shall lie to the Division Peishkar ; and

(12) there is no second appeal from the Peishkar's decision, the right of the Dewan to revise such proceedings, if necessary, being reserved.

Sir, as this is an important measure, I have set out the main features of the Bill at some length. Sufficient care has been taken not to interfere in the least with the vested rights of others. I may state in conclusion that no considerations of revenue have influenced the Government in any of the proposed amendments, and the Bill is only intended to prevent encroachments upon, or unauthorised occupation of, Government lands and Porambokes and lands used or reserved for public purposes in private estates."— *L. C. P., dated 21-6-1915.*

II. The Bill was published in the Gazette dated 25-5-1915. It was introduced and referred to a Select Committee on 21-6-1915 (*T. G. G., dated 6-7-1915*). The Committee's Report was published on 24-8-1915, and was presented to, and considered by, the Council on 15-9-1915 (*T. G. G. dated 5-10-1915*). The Bill as settled by the Council was published on 23-11-1915. It was finally read and passed on 20-6-1916 (*T. G. G., dated 18-7-1916*). The Regulation was published in the Gazette dated 1-8-1916.

Short title, extent and commencement.

1. (1) This Regulation shall be called the "Land Conservancy Regulation of 1091."

(2) It applies to the whole of Travancore.

(3) It shall come into force on the 1st Chingom 1091.

Repeal and saving.

2. Regulation II of 1067, as amended by Regulation I of 1075 and by Regulation II of 1085, is hereby repealed. But such repeal shall not affect any right or privilege acquired or liability incurred under the said Regulations.

"Property of Government" defined.

3. (1) All public roads, streets, lanes and paths, the bridges, ditches, dykes, and fences on or beside the same; the bed of the sea and of harbours and creeks below high-water mark;

the beds and banks of rivers, streams, irrigation and drainage channels, canals, tanks, lakes, backwaters and water-courses;

all standing and flowing water;

Sec. 3 : (1) In Regulation II of 1067, the definition was of 'Government lands', and it ran as follows:—" 'Government lands' shall mean and include all lands, whether occupied or not, which are at the disposal of Government and which are not registered in the names of private individuals.

Explanation.—Land in excess of the registered measurement or extent, but lying within the specified boundaries of a registered land, does not fall within this definition."

(2) Regn. II of 1085 then added the following Section :—"15-A. The provisions of this Regulation shall *mutatis mutandis* apply to all unassessed Sreepadom lands and unassessed lands within the limits of private estates and Edavagays, if they are used or reserved for public purposes and are maintained by Government."

(3) In Sub-sec. (1) of the existing definition, the words at the beginning—"All public roads.........and all lands"—were put in by the Select Committee, by adopting the definition of Government property in the Madras Land Encroachment Act, III of 1905". The Committee also amended the Sub-section by doing away with the expression 'Government land' and substituting instead 'the property of Government'.

(4) "As doubts have been raised as to whether Niruthal lands and lands held by Government by right of escheat and other means are Government lands within the definition", an Explanation (I) has been added.— *S. O & R., Notes on Clauses.*

(5) Sub-sec. (2) is on the lines of Sec. 15-A of Regn. II of 1067, quoted above, slightly altered, as "the limitation in Sec. 15 A that the lands should be maintained by Government is undesirable."— *S. O & R.*

Sec 3 : (1) **Case Law.**

The words 'save in so far as the same are property of Government' in Sec. 3 (1) of the Land Conservancy Regulation govern the whole of what precedes them in the Section.

The words 'and all lands wheresoever situated' have been compendiously used by the legislature to take inside their scope the various descriptions of lands specified in the previous portion of Sec. 3 (1) and also probably lands not falling within the said language employed in the previous portions.— 13 T. L. J., 584.

TRIVANDRUM

and all lands, wheresoever situated;

save in so far as the same are the property of—

(a) proprietors of Edavagais or Jenmis or holders of Inams or any person claiming through or holding under any of them; or

(b) all holders of lands in any way subject to the payment of land revenue to Government; or

(c) any other registered holder of land in proprietory right; or

(d) any person holding land under grant from Government otherwise than by way of license;

are, and are hereby declared to be, the property of Government, except as may be otherwise provided by any law for the time being in force, subject to all rights of way and other public rights and to the natural and easement rights of other land-owners and to all customary rights legally subsisting.

Explanation I.—Lands once registered in the name of a person but subsequently abandoned or relinquished, and all lands held by right of escheat, purchase, resumption, reversion or acquisition under Regulation XI of 1089, are the property of Government within the meaning of the Section.

Explanation II.—In this Section, the expression 'high-water mark means the highest point reached by the ordinary spring tide at any season of the year.

Explanation III—Land in excess of the registered measurement or extent, but lying within the specified boundaries of a registered land, does not fall within this definition.

(2) All unassessed lands within the limits of Edavagais and private estates used or reserved for public purposes or for the communal use of villagers, all unassigned lands belonging to an incorporated Devaswom and all public roads and streets which may become vested in any local authority, shall for the purpose of this Regulation be deemed to be the property of Government.

"Poramboke" defined.

4. (1) 'Poramboke' shall mean and include unassessed lands, which are the property of Government under Section 3 (1) or (2), used or reserved for public purposes or for the communal use of villagers, such as,—

Sec. 4: In regard to Clause (*d*) of Sub-sec. (1), the Notes on Clauses say:—" In the case of Poramboke, an exhaustive list is not always possible. It is therefore thought necessary to give power to Government to declare that a particular land falling under Sec. 3 is a Poramboke."— *S. O. & M.*

(a) all public roads, streets, lanes, pathways, the bridges, ditches, dykes and fences on or beside the same ;

(b) the beds and banks of rivers, irrigation and drainage channels, traffic canals, tanks, lakes, backwaters and watercourses;

(c) markets, burial grounds, landing ghauts; and

(d) all other property which Our Government may, for the purpose of this Regulation, from time to time, declare to be Poramboke.

(2) 'Occupant' shall mean a person actually in possession of a land which is the property of Government.

"Occupant" defined.

Land which is the property of Government not to be occupied without permission.

5. From and after the commencement of this Regulation, it shall not be lawful for any person to occupy a land which is the property of Government, whether a Poramboke or not, without permission from Our Government or such Officer of Government as may be empowered in this behalf.

Punishment for unauthorisedly occupying a land which is the property of Government.

6. Whoever occupies a land which is the property of Government, whether Poramboke or not, contrary to Section 5, shall be liable to pay such fine not exceeding two hundred rupees as may be imposed by the Division Peishkar.

Explanation.—A tenant unauthorisedly holding over after the expiry of his term of lease is liable to a fine within the meaning of this Section.

Sec, 4 : (1) (b) Case Law.

Gradual accretions from a river (*incrementum latens*) according to Natural Law belong to the adjoining owner. But the rule of Natural Law would apply only in the absence of Statutory Law. By Regn. II of 1067, Sec. 2, Clause (2), the beds and banks of rivers were constituted Poramboke lands at the disposal of Government. The said Regulation only confirmed the long-standing practice of treating accretions as waste lands which Government might register in the names of private individuals. According to repeated decisions of the High Court, the Government has a discretion to register waste lands in whosesoever name they like and that discretion cannot be questioned in a Civil suit.— 20 T. L. R., *24.*

Ref. & Dist.—33 T. L. R., 34.

Levy of assessment on lands which are the property of Government unauthorisedly occupied.

7. (1) Any person unauthorisedly occupying a land which is the property of Government other than a Poramboke and liable to pay a fine under Section 6 shall, in addition, be liable to pay by way of assessment for the whole period of his occupation such amount as may be fixed by the Division Peishkar in accordance with the rate that may be prescribed by the Government from time to time in this behalf.

Levy of prohibitory assessment on Poramboke unauthorisedly occupied.

(2) Any person unauthorisedly occupying a Poramboke and liable to pay a fine under Section 6 shall, in addition, be liable to pay such prohibitory assessment for the whole period of occupation as may be imposed by the Division Peishkar.

Payment of assessment under Sub-section (1) or prohibitory assessment under Sub-section (2) shall not confer any right of occupancy, and the liability to pay such assessment shall cease from the date on which the land concerned is relinquished.

Liability of unauthorised occupant for trees destroyed or appropriated.

8. Any person unauthorisedly occupying any land which is the property of Government, whether a Poramboke or not, and liable to a fine under Section 6, shall, in addition to the assessment or prohibitory assessment to which he may be liable under Section 7, be liable for the value, as adjudged by the Division Peishkar, of any useful tree destroyed or appropriated by him.

Liability of unauthorised occupant to summary eviction, forfeiture of crops, etc.

9. Any person unauthorisedly occupying any land for which he is liable to pay a fine under Section 6 and an assessment or prohibitory assessment under Section 7, may be summarily evicted by the Division Peishkar, and any crop or other product raised on the land shall be liable to forfeiture and any building or other structure erected or anything deposited thereon shall also, if not removed by him after such written notice as the Division Peishkar may deem reasonable, be liable to

---

Sec. 9 : In regard to this, the Notes on Clauses says:—"Clause 9 empowers the Division Peishkar to evict even though penalty and assessment or prohibitory assessment has been levied.

"In case of continued resistance or obstruction, the Division Peishkar is empowered to commit the occupant to custody. This provision is found in all the British Indian Acts. Further, in execution of civil decrees, if the judgment-debtor obstructs delivery of possession, the Court is empowered to commit him to custody. It is but desirable that the Division Peishkar should have a similar power". *S. O & R.*

forfeiture. Forfeiture under this Section shall be adjudged by the Division Peishkar and any property so forfeited shall be disposed of as the Division Peishkar may direct.

Mode of eviction.

An eviction* under this Section shall be made in the following manner, namely:—By serving a notice on a person reputed to be in occupation or his agent, requiring him, within such time as the Division Peishkar may deem reasonable after receipt of the said notice to vacate the land, and if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and, if the Officer removing any such person shall be resisted or obstructed by any person, the Division Peishkar shall hold a summary enquiry into the facts of the case and, if satisfied that the resistance or obstruction still continues, may issue a warrant for the arrest of the said person, and on his appearance may send him with a warrant in the form of the Schedule for imprisonment in the Civil jail of the District for such period not exceeding 30 days as may be necessary to prevent the continuance of such obstruction or resistance:

Provided that no person so committed or imprisoned under this Section shall be liable to be prosecuted under Sections 176, 179 and 181 of the Travancore Penal Code, in respect of the same facts.

Prior notice to occupant, etc.

10. The Division Peishkar shall, before passing an order under this Regulation, give notice to the occupant or other person likely to be affected by the order, and record any statement which such occupant or person may make and any evidence which he may adduce within a reasonable time; and all orders passed by a Division Peishkar under this Regulation shall be in writing and under his hand.

The Division Peishkar may require any subordinate Officer not below the rank of a Deputy Tahsildar to hold the enquiry as prescribed in Para 1 of this Section and submit the record to him. On such record the Division Peishkar may pass orders.

For the purpose of Section 193 of the Penal Code, the proceedings taken by a Division Peishkar under this Section shall be deemed to be judicial proceedings.

Power to make Rules.

11. Our Government may make Rules or orders, either generally or in any particular instance,—

(a) regulating the rates of assessment under Section 7 (1);

(b) regulating the imposition of prohibitory assessment under Section 7 (2);

(c) declaring that any particular land or class of lands shall not be open to occupation;

(d) regulating the service of notices under this Regulation; and

(e) generally to carry out the provisions of this Regulation.

Such general Rules or orders shall be made only after previous publication in Our Government Gazette.

Recovery of fines, assessment, etc., as arrears of land revenue.

12. All fines, assessments and prohibitory assessments, damages for trees destroyed or appropriated, and all costs of eviction and removal of encroachments, shall be recovered as arrears of land revenue under the provisions of the Revenue Recovery Regulation for the time being in force.

Officers to exercise powers of Division Peishkar.

13. Our Government may, by Notification in Our Government Gazette, authorise any Officer by name or by virtue of his office to exercise all or any of the powers conferred on a Division Peishkar under this Regulation.

Appeal and revision.

14. (1) An appeal shall lie to the Dewan from any decision or order of a Division Peishkar passed under this Regulation.

Our Government may direct that an appeal from the decision of any Officer empowered under Section 13 shall lie to the Division Peishkar:

Provided, however, that there shall be no appeal to the Dewan from the decision or order of a Division Peishkar passed on appeal:

Provided also that it shall be lawful for the Dewan to revise such appellate decision or order if he thinks fit.

(2) Pending disposal of any appeal under this Regulation, the appellate authority may suspend the execution of the order appealed against

---

Secs. 14, 15 & 16: The Notes on Clauses says:—"Almost all the Tahsildars have now been empowered to take action under the Regulation. Appeals from their decisions have to be heard now by the Dewan. The Government have therefore been empowered to direct that appeals from all or any of the Officers empowered under Clause 13 shall lie to the Division Peishkar. There is no second appeal, but the Dewan has the right to revise such proceedings if necessary".— *S. O & R.*

(3) No order shall be passed in appeal or revision without previous notice to the party to be affected by such order.

Limitation of appeal.

15. No appeal shall be brought after the expiration of 60 days from the date of the decision or order complained of, provided that, in computing the period of 60 days, the time required to obtain a copy of the decision or order appealed against shall be excluded, but the appeal may be admitted after the period hereby prescribed when the appellant satisfies the authority to whom he appeals that he had sufficient cause for not preferring the appeal within the period prescribed.

Petition of appeal to be accompanied by the order appealed against.

16. Every petition of appeal under this Regulation shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Saving of operation of other laws in force.

17. Nothing contained in this Regulation shall be construed as exempting any person unauthorisedly occupying land from liability to be proceeded against under any other law for the time being in force :

Provided that, if any penalty has been levied under Section 6 or 7 of this Regulation, no similar penalty shall be levied from him under any other law in respect of such obligation.

Saving of suits by persons aggrieved by proceedings under this Regulation.

18. No suit against Government shall be entertained in any of Our Civil Courts in respect of any order passed under this Regulation except upon the ground that the land in respect of which such order has been passed is not a land which is the property of Government whether a Poramboke or not :

Provided that Civil Courts shall not take cognizance of any such suit unless it shall be instituted within one year from the date on which the cause of action arose.

Sec. 17: The Notes on Clauses says:—"An unauthorised occupant may be liable under the Forest Regulation also. Hence the necessity for the Clause".— *S. O & R.*

Sec. 18 : Case Law.

1. A fine imposed under the Land Conservancy Regulation (II of 1067) for trespass on a piece of land which the Revenue Officer erroneously found to be Poramboke, but which was really part of a registered holding, is liable to be refunded to the person from whom it was levied. Sec. 17 of the Regulation (old) is no bar to a Civil Court directing such refund.— **28 T. L. R., 917.**

SCHEDULE.

Form of warrant to be issued by the Division Peishkar under Section 9.

Seal.

To

The Officer in charge of the Civil Jail at.........

Whereas A. B. of......has resisted or obstructed C. D. in removing E. F. (or himself, that is, the said A. B.) from certain land in the Pakuthi of......in the......Taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction or resistance, to commit the said A. B. to close custody; You are hereby required under the provisions of Section 9 of the Government Land Conservancy Regulation, IV of 1091, to receive the said A. B into the Jail under your charge and there to keep him in safe custody for days.

Dated this......day of......

(Signature of Division Peishkar)

---

2. The registry of Poramboke land in the name of a person by the Government is an act done by them in their executive capacity and not under the Land Conservancy Regulation. Therefore, Sec. 17 of the Regulation (II of 1067) which says that no suit against Government shall be entertained in any of the Civil Courts in respect of any order passed under the Regulation, except upon the ground that the land in respect of which such order has been passed is not a Government land, is no bar to a suit to set aside such a registry. Orders mentioned in Sec. 17 have reference only to those that are made for the protection of Government interests by way of exactions, fines and penalties and assessments prohibitory or otherwise.

Government, being the absolute proprietor of all Poramboke lands, can dispose of them in any manner they please.—

31 T. L. R., *57* (5 T. L. J., *227*).

3. Plaintiff was found to have encroached upon Poramboke land and was fined Rs. 15. The suit was to have the decision set aside and to get back the amount of fine as damages, on the ground that the land did not belong to the Government. The question for decision was which was the article of the Limitation Regulation that applied to the case. *Held.*—The decision impugned by the plaintiff was not an order made by a public servant in his merely executive or administrative capacity, but professed to be one made by virtue of the statutory powers conferred by Regulation II of 1067. Such order, unless set aside in due course of law, was binding on the plaintiff. He was therefore bound to sue for an avoidance of the order within the one year prescribed by Article 10 of the Limitation Regulation.—

10 T. L. J., *338*.

[It may be noted here that Regn. II of 1067 had no Proviso like the one now added to Sec. 18.]

4. The plaintiff was convicted by the Tahsildar who was *Ex-officio* Division Peishkar for the purpose of Regulation IV of 1091, under Sec. 6 for unauthorisedly occupying the plaint land, sentenced to a fine of Rs. 5 and he also ordered his eviction from the disputed property. The Tahsildar's order was affirmed in appeal by the Division Peishkar as well as by the Dewan. Plaintiff filed his suit for setting aside the Peishkar's

limitation in the case, determined on that basis. The decision of this question would depend on the construction of the expression 'cause of action' occurring in the Proviso.

" Cause of action means every fact which is necessary for the plaintiff to prove in order to succeed in his suit; and everything which if not proved gives the defendant an immediate right to judgment must be part of the cause of action. It does not comprise every piece of evidence which is necessary to prove such facts, but every fact which is necessary to be proved to entitle him to a decree." It refers to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour. It is an infringement of the right which the plaintiff possesses by the defendant and includes also the right so infringed.

In the cases, the right infringed would be the alleged title of the plaintiff to the plaint property, the infringement thereof being the decision of the Land Conservancy Officer impugned. Knowledge of such infringement, either actual or constructive, is an essential requisite in such cases, as any infringement made behind the party's back under circumstances in which no notice could be imputed to him, even constructively, could not validly affect his rights and require him to seek for such relief as is open to him with respect to such infringement.

In cases where there is a statutory provision requiring the proceedings of an Officer to be conducted publicly and the decision passed in the course of the same to be pronounced openly in the presence of the parties, a presumption of notice to them is created and the law would impute to them constructive notice even if any one of them were not present at the time of such pronouncement. In the absence of any such statutory provision or any rule which may be given the force of a statute, regulating the procedure to be adopted with respect to passing of decisions by any public Officer, no presumption as regards the pronouncement thereof in the presence of the parties would arise. The insistence of a notice to the parties in the case of decisions passed by Revenue Officers has been made on the basis of the principles above set forth. The fact that the proceedings before the Land Conservancy Officers are judicial proceedings, as has been laid down in Sec. 10 of the Regulation, would not warrant a presumption that the decision had been passed in the presence of the parties.—17 T. L. J., *523.*

Land Conservancy—*Other Cases.*

1. To sustain a conviction for criminal trespass, the property trespassed into must be clearly shown to have been in the complainant's possession. Where the property is Sirkar waste land lying unenclosed, the Government cannot maintain an action for criminal trespass under the Penal Code, but may exercise the powers vested in its executive by Regn. II of 1067—powers not only to take possession of the property, but also to impose fines on the occupant and to recover the value of the trees cut down.—

11 T. L. R. *146.*

2. Proceedings under the Land Conservancy Regulation are not suits within the meaning of Sec. 8 of the Civil Procedure Code. The term 'suit' is not defined in the Civil Procedure Code or the General Clauses Regulation. But it has been held that the term ought to be confined to such proceedings as under that description are directly dealt with by the Code of Civil Procedure, or such as by the operation of the particular Acts which regulate them are treated as suits.— 16 T. L. J., *86.*

RULES AND NOTIFICATIONS.

I. RULES.

Passed under Section 11 of the Land Conservancy Regulation, IV of 1091.
(Dis. No. 772 of 1921/Revenue, dated 6th August 1921.) (a)

[As amended.]

1. These Rules supersede the Rules dated the 19th June 1914 and the Government Notification No. 5580/L. R./1112 of 1916 dated the 3rd September 1916, which are hereby repealed.

2. (i) It should be remembered that all unassessed lands within the limits of Edavagais and private estates used or reserved for public purposes or for the communal use of villagers, all unassigned lands belonging to incorporated Devaswoms and all public roads and streets which may become vested in any local authority come within the category of 'Property of Government' for the purposes of this Regulation.

(ii) "Division Peishkar" includes the "Commissioner, Devicolam Division" and all other Officers who are or may be invested, under Section 13 of the Regulation, with all or any of the powers conferred on a Division Peishkar under the Regulation.

3. It is the primary duty of all Officers of the Land Revenue Department to prevent unauthorised occupation of lands which are the property of Government and which fall under any of the descriptions given in the definitions of "Property of Government" and "Poramboke" in Sections 3 and 4 of the Regulation.

The Proverthikar shall for this purpose report to the Tahsildar every month all fresh encroachments on Porambokes and on lands which are the property of Government other than Poramboke occurring within his Pakuthi. Such reports shall be sent up in monthly statements in Form A appended to these Rules. The sketch to be inserted in column 10 need not be a sketch drawn to scale but should show sufficiently clearly the position of the encroachment so as to enable the superior Revenue Officers to identify the encroachment. The encroachment should be shown in the sketch in hatched lines. If there are no encroachments in any month, a *Nil* statement shall be submitted.

4. The Assistant Tahsildars should also send up similar reports in Form A to the Tahsildars of all encroachments on lands which are the property of Government whether Poramboke or not detected by them in the course of their inspections, as soon as each case is detected, together with a sketch, drawn to scale, in respect of each encroachment.

(a) *T. G. G., dated 7-8-1921, Pt. IV, L. R. Dept., Pp. 769-774.*

5. Departments other than Land Revenue which are in charge of either Poramboke lands or Government lands other than Poramboke should promptly report to the Peishkar of the Division in Form A, cases of unauthorised occupation of such lands. The Peishkar should forward these reports to the Tahsildar with his remarks and see that prompt action is taken on these reports under the provisions of the Regulation.

6. In the case of reports in Form A received from the Proverthikar, the Tahsildar shall either himself or through his Assistant Tahsildar, inspect the land and satisfy himself whether the occupation is objectionable or not before he deals with the case under the Regulation. He should also have a sketch drawn to scale prepared in respect of the encroachment and incorporated with the records of the case.

7. [The following instructions are laid down for the guidance of Division Peishkars and other authorised Officers in dealing with unauthorissd occupation of lands which are the property of Government :—

(i) Assessment should be imposed invariably in all cases of unauthorised occupation. If the land occupied is the property of Government other than Poramboke, the assessment to be imposed shall be at the ordinary rates prescribed in Rule 13. In cases of occupation of Poramboke, if the occupation is unobjectionable, it should be dealt with under the provisions of Rule 9 (i) or 9 (ii) *infra*. If, however, the occupation is objectionable, the assessment to be levied may be prohibitory, that is to say, a multiple of the assessment prescribed in Rule 13. This multiple may be fixed in each case at the discretion of the Division Peishkar, but it should in no case exceed five times the ordinary rates of assessment. Prohibitory assessment should be imposed only on the land, and not on any trees standing thereon. *Kudichika* or back arrears of assessment on the land, whether ordinary or prohibitory, under Section 7 (1) or 7 (2) of the Regulation, shall be charged for the period of occupation, but they shall in no case be recovered for more than five years.

(ii) In regard to the imposition of fines which should be in addition to the assessment, the chief distinction to be drawn is between objectionable and unobjectionable occupations. No fine need be imposed in a case which is considered to be unobjectionable by the Division Peishkar or other authorised Officer, while the fine to be imposed in an objectionable case should be really deterrent.

(iii) In deciding whether an occupation is objectionable or unobjectionable, the instructions contained in Rules 4, 9, 38, 43 and 44 of the Revised Puduval Rules, dated 31st March 1921, should be carefully borne in mind.] (a)

(a) Revised by Govt. Notifns. Dis. No. 814/Rev., dated 18th July 1922 and D. Dis. No. 1672/Rev., dated 10th November 1926.—*T. G. G., dated 25-7-1922, Pt. IV, L. R. Dept., P. 797 & 16-11-1926 Pt. IV, L. R. Dept., P. 396, respectively.*

8. Unauthorised occupations of land which is the property of Government may be classified as follows :—

(a) Cases in which the occupation, whether permanent or temporary, is unobjectionable.

(b) Cases in which temporary occupation is unobjectionable but permanent occupation is objectionable ; *e. g*, occupation of Government lands within a furlong of Railway Stations other than Quilon, Varkalay and Alwaye or lands reserved for future Government purpose such as an irrigation project or a Government building,

(c) Cases in which the occupation, whether temporary or permanent, is objectionable.

9. (1) In cases falling under class (a), recourse need not be had to the powers mentioned in Sections 6 and 9 of the Regulation. If the land occupied is assessed land, an extract of the report in Form A should be made and treated as a Puduval application and the case transferred to the Puduval Register and action taken for registry of the land under the Puduval Rules. If the land occupied is either unassessed or Poramboke, the Tahsildar should submit a recommendation in Form D to the Peishkar of the Division for the transfer of the land to the head of assessed waste, and on receipt of sanction to the recommendation, he shall enter the case in the Puduval Register and deal with the land under the Puduval Rules. If the land is a Town land, it should be dealt with in accordance with the provisions in the Puduval Rules relating to the assignment of Town lands. In cases where the recommendation of the Tahsildar is not accepted by the Peishkar of the Division, further suitable proceedings must be taken under the Land Conservancy Regulation.

[*Proviso*.—Fractions of a cent shall not, in any circumstances, be registered. In cases however where the area is less than a cent and it contains a substantial building or part of such a building or other valuable improvements whose removal will cause hardship to the occupant, such area will be leased to the occupant on Kuthakapattom.][(a)]

(ii) [In case falling under class (b), *i. e.*, where permanent occupation would be objectionable but temporary occupation can be permitted, recourse to the provisions of Section 9 of the Regulation relating to eviction will be unnecessary. In such cases, temporary leases of the land, and the trees thereon, if any, may be granted for specified periods subject to the provisions of the Kuthakapattom Rules, but no permanent buildings or plantations should be allowed to be erected or raised on the land. In these cases the Kuthakapattom rents for the land and the trees

(a) Added by Govt. Notifn. R. Dis. No. 271/Rev., dated 6th February 1926.—*T. G. G., dated 9-2-1926, Pt. IV, L. R. Dept., P. 573.*

thereon should be recovered for the whole period of occupation, subject to a maximum limit of five years.](a)

(iii) (a) Unauthorised occupation of land which is the property of Government falling under class (c) of Rule 8 above, should be dealt with under Sections 6 to 9 of the Regulation. Officers acting under the Regulation should exercise tact and discretion and should avoid unnecessary severity. But they should adopt all the measures necessary to put an end to the occupation promptly. Division Peishkars or other authorised Officers should not order forfeiture of crops or fixtures if they can be harvested or removed by the occupant without causing injury or inconvenience of the interests of the Government or of the public.

[(b) Where the encroachment consists of trees planted on lands which is the property of Government, whether Poramboke or not, it is open to the Tahsildar or any other authorised Officer, with the sanction of the Dewan Peishkar, to lease to the encroacher the trees alone on Kuthakapattom without limit of time under the provisions of Rule 2 of the Kuthakapattom Rule. In such cases, the Kuthakapattom rents for the trees should be recovered for the whole period of occupation, subject to a maximum limit of five years.](b)

10. Separate notices under Section 10 of the Regulation shall be served on each occupant or other person likely to be affected by the order of the Division Peishkar or other authorised Officer before passing any order under Sections 6 to 9. The service of the notice shall be in the manner prescribed in the Code of Civil Procedure for serving summonses on defendants. The notice should be in Form B or Form C, as the case may be.

[In the cases under the Regulation on the file of the Division Assistants, the Head Clerks of the Offices of the Division Assistants are hereby empowered to sign "By Order" notices as well as other papers required to be issued or furnished.](c)

11. If the party appears in person or through an authorised agent, his statement, and any evidence he may adduce within a reasonable time to be allowed by the Division Peishkar or other authorised Officer, may be recorded, and the documents filed as exhibits should be marked, dated and initialled by the deciding Officer. The recording or admission of evidence would ordinarily be unnecessary in cases in which the title of Government to the property is not disputed.

12. The final order of the deciding Officer shall be in writing and under his hand and shall contain the reasons for the decision.

(a) Substituted by Govt. Notifn. Dis. No. 30/Rev. dated 7/12th January 1923.—*T. G. G. dated 23-1-1923, Pt. IV, L. R. Dept., P. 1261.*

(b) Inserted by Govt. Notifn. D. Dis. No. 526/Rev., dated 24th April 1925.—*T. G. G., dated 5—5—1925, Pt. IV, L. R. Dept., P. 556.*

(c) Added by Govt. Notifn. Dis. No. 323/Rev., dated 4th March 1922.—*T. G. G., dated 21-3-1922, Pt. IV, L. R. Dept., P. 229.*

13. [The ordinary rates of assessment to be charged under Rule 7 above, in the case of unauthorised occupations of any Government land which is a *Porambokе*, are fixed as follows :—

(*a*) *For dry lands* :—

[(i) In rural areas, the assessment shall be subject to a minimum rate of 7 fanams and a maximum of 15 fanams, per acre, as per schedule given below :—

Tharam	*Rate per acre* Fs.	Ch.	*Tharam*	*Rate per acre.* Fs.	Ch.
I	15	0	IV	10	0
II	13	0	V	8	2
III	11	2	VI	7	0

(ii) Within the limits of Municipal Towns—Rs. 7—4 Chs. per acre.

(*b*) *For wet lands*:—

The rate of assessment shall be fixed on the basis of the schedule of Settlement rates for wet lands and on the analogy of the registered Pandarapattom wet lands in the neighbourhood, provided that the whole of the paddy assessment shall be commuted into money at Chs. 11 per Para.](a)

14. † Under Section 13 of the Regulation, all Taluk Tahsildars and Division Assistants are hereby empowered to exercise, by virtue of their office, all the powers conferred on a Division Peishkar under the Regulation.

15. The Division Peishkars of Padmanabhapuram, Trivandrum, Quilon and Kottayam Divisions, and the Commissioner, Devicolam Division, have been empowered, under Section 14 of the Regulation, to hear and dispose of appeals from the decisions or orders of all Officers in their respective Divisions who have been or are invested with the powers of a Division Peishkar for the purpose of the Regulation.

16. These Rules shall come into force on the 1st Chingom 1097.

(*a*) Amended by Govt. Notifns. Dis. No. 814/Rev., dated 18th July 1922 and C. No. 891/Rev., dated 26th June 1926.—*T. G. G., dated 25-7-1922, Pt. IV L. R. Dept., P. 797 and 29-6-1926, Pt IV, L. R. Dept., P. 1014.*

† In the Notification of 1921, there was a Rule (14) which dealt with cases of encroachment consisting of trees planted on Government land. This Rule was deleted and the remaining Rules re-numbered as 14, 15 and 16, by Govt. Notifn. Dis. No. 526, Rev., dated 24th April 1925.—*T. G. G., dated 5-5-1925, Pt. IV, L. R. Dept., P. 555.*

Form A.

Statement of unauthorised occupation of land which is $\frac{\text{a Poramboke}}{\text{the property of Government other than Poramboke}}$

in the Village of..............in the Taluk of..............during the month of..............110 .

Serial No.	Description of land: whether assessed, unassessed or Poramboke: if Poramboke, its nature.	Survey No., if any.	Extent of the whole field.	Datails of occupation.			By whom occupied.		Sketch of the occupation.	How occupied-by cultivation or erection of houses, &c.	Prohibitory assessment, if any, previously imposed.	Village Officer's opinion.	Assistant Tahsildar's opinion or remarks.	Date of notice to occupier, under Section 10 of Regulation IV of 1091.	Gist of occupier's reply.	Tahsildar's opinion or order, as the case may be.	Division Peishkar's order.	Remarks.
				Extent occupied.	Appropriate tharam of assessment.	Assessment of the extent shown in Column 5.	No. of Patta.	Name of the party.										
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

NOTE.—i. In column 10, a clear sketch on a small scale should be drawn against each serial No. of occupation.

ii. In columns (13), (14) and 17, Inspecting Officers should invariably note the dates of their inspection and state whether the encroachment is objectionable, *i. e.*, prejudicial to public interests, and if so, why, and what steps have been taken to end it.

Form B.

Notice under Section 10 of Regulation IV of 1091.

To

(*Insert name or names of occupiers.*)

......................residing in..............Village......................Taluk.

Whereas you are reported to be in unauthorised occupation of the land specified in the schedule below, which is a Poramboke / the property of Government other than Poramboke you are hereby given notice that, if you so desire you may, before .....11..., show cause before me, either in person or in writing or through an authorised agent, why proceedings should not be taken and orders passed under Sections 6 to 9 of the said Regulation.

Schedule.

Pakuthi.	Survey Number & sub-division.	Description of land.	Entire extent.		Occupied extent.		Nature of occupation.
			Acres.	Cents.	Acres.	Cents.	

Seal

Note.—This notice should be served by delivering a copy to the occupier of the land referred to, or to some adult male member of the family, at his usual place of abode, or to his authorised agent, or by affixing a copy thereof to some conspicuous part of his last known residence, or on some conspicuous part of the land occupied.

Form C.

Notice under Section 10 of Regulation IV of 1091.

To

(*Insert name or names of persons affected*) residing in............Village...... ..Taluk.

Whereas (*Insert the name or names of occupiers*) are reported to be in unauthorised occupation of the land specified in the schedule below, which is a Poramboke / the property of Government other than Poramboke and

whereas it is reported that you are likely to be affected by any order that may be passed under Regulation IV of 1091, you are hereby given notice that, if you so desire, you may on..............appear before me, in person or by a duly authorised agent, and show cause why proceedings should not be taken and orders passed under Sections 6 to 9 of the said Regulation.

Schedule.

Pakuthi.	Survey No. and sub-division.	Description of land.	Entire extent.		Occupied extent.		Nature of occupation.
			Acres.	Cents.	Acres.	Cents.	

Seal.

Note.—This notice should be served by delivering a copy to the person affected by any order passed under the Regulation, or to some adult male member of the family, at his usual place of abode, or to his authorised agent, or by affixing a copy thereof to some conspicuous part of his last known residence.

Form D.

Statement for transfer of Poramboke to Assessed Waste.

Village.....................................

Taluk.......................................

Survey.		Area.		Nature of Poramboke.	Grounds for transfer.	Recommendation by Tahsildar.	Order of Division Peishkar.	Remarks.
No.	Sub-division No. or letter.	Acres.	Cents.					

Station | Tahsildar.
Date. | Taluk.

II. GOVERNMENT NOTIFICATION.

(No. J. 6555, dated the 19th August 1916.)

Under para 2 of Sub-section (1) of Section 14 of the Land Conservancy Regulation, IV of 1091, it is hereby notified that the Division Peishkars of Padmanabhapuram, Trivandrum, Quilon and Kottayam Divisions and the Commissioner, Devicolam Division, are empowered to hear and dispose of appeals from the decisions or orders of all Officers in their respective Divisions who have been or are invested with the powers of a Division Peishkar for the purposes of that Regulation.

T. G. G., dated 22-8-1916, Pt. I, P. 844.

REGULATION V OF 1091.

GLANDERS AND FARCY REGULATION.

CONTENTS.

Preamble.

Sections.

1.	Short title	1
	Extent.	
	Commencement.	
2.	Definition of "Diseased"	2
3.	Application of Regulation to local areas by Government ...	3
4.	Government to appoint Inspectors	4
5.	Power of entry and search	5
6.	Power of seizure	6
7.	Horse to be examined by Veterinary Practitioner ...	7
8.	Horse to be destroyed if found diseased : Otherwise restored ...	8
9.	When horse diseased, place where it has been, to be disinfected, &c.	9
10.	Owner or person in charge of diseased horse to give notice ...	10
11.	Prohibition against removal, without license, of horse which has been with diseased horse	11
12.	Vexatious entries, searches and seizures	12
13.	Penalty for refusing to comply with notice under Section 9, or for removing horse contrary to Section 11	13

The figures on the right refer to the corresponding Sections of the British Indian Glanders and Farcy Act XIII of 1899.

Sections.

14. Power to make Rules 14
15. Appointment of same person to be both Inspector and Veterinary Practitioner 15
16. Protection to persons acting under Regulation 16

A Regulation to provide for the Prevention of Glanders and Farcy among Horses

Passed by His Highness the Maha Raja of Travancore under date the 24th July 1916 corresponding with the 9th Karkatakom 1091, under Section 13 of Regulation V of 1073.

Preamble.

Whereas it is expedient to provide for the prevention of glanders and farcy among horses; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the "Glanders and Farcy Regulation of 1091".

(2) It extends to the whole of Travancore.

(3) It shall come into force on the 1st Chingom 1092.

Definition of "Diseased."

2. (1) In this Regulation, unless there is anything repugnant in the subject or context, "Diseased" means affected with glanders or farcy or any other dangerous epidemic disease among horses which Our Government may, by Notification in Our Government Gazette, specify in this behalf.

(2) The provisions of this Regulation relating to horses shall apply also to asses, mules and jennets.

Regn. V of 1091: I. *Objects and Reasons.*— " In the existing state of knowledge, the disease of glanders and farcy is considered to be incurable. The animals that are subject to it are not only a source of danger to other animals but are also capable of transmitting the disease to human beings. It is thought desirable to provide for the control of such a contagious disease. A Bill on the lines of the Glanders and Farcy Act of 1899 has therefore been drafted "– *S. O & R.*

[It may be noted here that, in the year 1081, a Regulation (I of 1081) was passed to provide for the prevention of glanders and farcy among horses. It was passed as an emergent measure under Sec. 15 of the Legislative Council Regulation, V of 1073, and was in force for six months.—*A. R. 1081.*]

II. The Bill was published on 10-8-1915. It was introduced in the Council and referred to a Select Committee on 15-9-1915. (*T. G. G. dated 5-10-1915*). The Committee's Report was published on 2-11-1915, and was presented to, and considered by, the Council on 13-12-1915 (*T. G. G. dated 1-2-1916*). The Bill was finally read and passed on 20-6-1916 (*T. G. G. dated 18-7-1916.*) The Regulation was published in the Gazette dated 1-8-1916.

3. Our Government may, by Notification in Our Government Gazette, apply this Regulation or any provision of this Regulation, so far as all or any of the diseases mentioned in, or specified in a Notification under Section 2, Sub-section (1), are concerned, to any local area, to be specified in such Notification, within Travancore.

Application of Regulation to local areas by Government.

4. (1) When this Regulation has been so applied to a local area, Our Government may, by Notification in Our Government Gazette, appoint such persons as they think fit to be Inspectors under this Regulation and to exercise and perform, within the whole of the local area or such portions thereof as they may prescribe, the powers conferred and the duties imposed by this Regulation on such Officers.

Government to appoint Inspectors.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Penal Code (Regulation I of 1074).

5. Within the local limits for which he is so appointed, any such Inspector as aforesaid may, subject to such Rules as Our Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

Power of entry and search.

6. Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be diseased.

Power of seizure.

7. (1) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as Our Government may appoint in this behalf:

Horse to be examined by Veterinary Practitioner.

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(2) For the purposes of the examination, the Veterinary Practitioner may submit the horse to any test or tests which Our Government may prescribe.

8. (1) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed :

Horse to be destroyed if found diseased: Otherwise restored.

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any Rules

which Our Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

When horse diseased, place where it has been to be disinfected, etc.

9. (1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof or such other things found therein or near thereto as Our Government may by Rules prescribe, destroyed.

(2) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed, and the expense, if any, thereby incurred may be recovered from the owner or other person, as if it were a fine.

Owner or person in charge of diseased horse to give notice.

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as Our Government may appoint in this behalf.

Prohibition against removal, without license, of horse which has been with diseased horse.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

Vexatious entries, searches and seizures.

12. (1) Whoever, being an Inspector appointed under this Regulation, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this Section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty for refusing to comply with notice under Section 9, or for removing horse contrary to Section 11.

13. Whoever refuses or neglects to comply with any notice issued by the Inspector under Section 9, or removes any horse in contravention of Section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make Rules.

14. (1) Our Government may make Rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules as aforesaid may—

(*a*) regulate entries, searches and seizures by Inspectors under this Regulation;

(*b*) regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expenses of detaining, isolating and testing horses from the owners or persons in charge thereof as if it were a fine:

(*c*) regulate the destruction or treatment, as the case may be, of horses certified under Section 8 to be diseased, and the disposal of the carcases of diseased horses;

(*d*) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and

(*e*) regulate the grant of licenses under Section 11 and the conditions on which those licenses shall be granted.

(3) All Rules under this Section shall be published in Our Government Gazette, and, on such publication, shall have effect as if enacted by this Regulation.

(4) In making any Rule under this Section, Our Government may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. Any Veterinary Practitioner may be appointed by Our Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Regulation or of any Rule thereunder.

Appointment of same person to be both Inspector and Veterinary Practitioner.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Protection to persons acting under Regulation.

RULES AND NOTIFICATIONS.

I. RULES.

(No. L. 7, dated 9th January 1917.)[a]

In exercise of the powers vested in Government by Section 14 of the Glanders and Farcy Regulation, V of 1091, the following Rules are passed for carrying out the purposes and objects of that Regulation.

1. Every Inspector who receives information of the supposed existence, or who has reasonable grounds to suspect the existence, of a "diseased" horse at any place within the local area to which the Regulation has been applied shall, without unnecessary delay, proceed to such place, and there execute and discharge the powers and duties conferred and imposed on him under the Regulation.

2. Every person having in his possession or under his charge any "diseased" horse shall—

(i) keep the "diseased" horse separate from other horses not "diseased"; and

(ii) give information of the fact as soon as possible to the Inspector under the Regulation, or, if there be no Inspector of any place nearer than the nearest Police-station, to that Police-station, and the Officer in charge of that station shall forthwith send a report to an Inspector under the Regulation.

3. In effecting entry into any premises, or making a search for the purpose of seizing a suspected horse under Section 6 of the Regulation, the following Rules shall be observed:—

(a) No such entry or search shall be made between the hours of sunset and sunrise.

(b) The owner of the field, building or other place to be searched shall, on requisition by the Inspector, allow the Inspector free ingress into the said place and afford him all reasonable facilities for the search of the same.

(c) The Inspecter shall, as far as practicable, be accompanied by the owner of the horse and the owner or person in charge of the

(a) *T. G. G., dated 16-1-1917, Pt. I, Pp. 131-132.*

field, building or other place which is to be searched ; or failing them, by a Police-Officer.

(*d*) The Inspector may break open any outer or inner door or window of any building or other place which he wishes to search, if after notification of his authority and purpose, and after demand of admittance duly made, he cannot otherwise obtain admittance.

4. After seizing a suspected horse, the Inspector shall at once arrange for its isolation and for due precautions being taken against contagion to men or other horses, until such time as the horse can be examined under Section 7 by a Veterinary Practitioner appointed under the Regulation and disposed of under Section 8 of the Regulation. The owner of the horse or the person in charge of it shall give the Inspector all reasonable assistance in making these arrangements. The precautions to be taken against contagion should comprise, in the case of a discharge from the nose of the horse, the wearing of a nose bag, and, in the case of open sores, the covering up of the same, as far as is practicable, with disinfecting powder and cloths or bandages. If it is necessary, for the purpose of isolating a horse, to remove it along a public road, such removal shall, if possible, be at night.

5. After the horse has been seized, if the owner or the person in charge of it refuses to look after it, the Inspector shall make such arrangements as may be necessary for its isolation and detention, and the cost of such arrangements shall be recoverable from the owner of the horse as if it were a fine.

6. The Inspector, unless he has also been appointed to be a Veterinary Practitioner under the Regulation, shall at the same time communicate a brief statement of the facts to the nearest Officer who has been appointed to be such Veterinary Practitioner.

7. If the Veterinary Practitioner is unable to examine a horse that has been seized under the Regulation, the Inspector shall, after the lapse of twenty-one days from the date of the seizure, deliver the horse to the person entitled to the possession thereof. In examining a horse which has been seized under the Regulation, the Veterinary Practitioner may subject the horse to such recognised tests as he may deem necessary and expedient.

8. If a horse has to be destroyed under Section 8 of the Regulation, the Inspector shall cause it to be destroyed in his own presence.

9. When a "diseased" horse has been destroyed under Section 8, its carcase shall be immediately cremated by the most inexpensive and effective means. If the Inspector is satisfied that cremation is impracticable, he may permit the carcase to be buried, and it shall thereupon be buried in a hole not less than 6 ft.deep. Before the earth is filled into the hole, the skin must be slashed in all directions and the carcase completely covered with lime. No person shall dig up, or cause to be dug up, the carcase or any part of it.

10. On receipt of a notice issued by an Inspector under Section 9 of the Regulation, the person to whom it is directed shall take the following steps in compliance therewith :—

(a) All dung, litter, hay, straw and waste-food or bedding of any kind in the place to be disinfected shall be swept together, removed and burnt. (They can however be utilised as fuel for burning the carcase).

(b) All harness and saddlery (except stuffing, which must be taken out and burnt), all ropes, brushes, dusters, rugs, leather and wood-work (such as the shafts of vehicles), and all linen or woollen articles with which the "diseased" animal has been in contact, shall be thoroughly disinfected in such way as the Inspector may direct.

(c) The floor or ground on which the animal has been standing shall be dug up to the depth, if practicable, of 2 ft. and the earth removed and burnt and not renewed for two weeks.

(d) The walls, the inside of the roof, all posts, and other standing wood-work shall be thoroughly washed with two coats of freshly made lime wash. If the walls and roof are of thatch, they shall be burnt *in situ*.

(e) The cloths of any person who has lately attended the "diseased' horse shall be boiled.

11. A license under Section 11 of the Regulation will be granted unconditionally by an Inspector only if he is satisfied that there is no danger of the horse's becoming infected or conveying the infection. If the Inspector considers that the horse is not free from risk, he may license the removal of the horse under the following conditions :—

(a) That the removal, except in so far as may be necessary to comply with condition (b), does not take place for such period not exceeding six weeks as the Inspector may specify.

(b) That, during that period, the horse shall be isolated in such place and with such precautions against infection as the Inspector may prescribe.

(c) That, while so isolated, the horse shall be subject to frequent inspection by any Inspector appointed under the Regulation, who may, if he sees necessity, prolong the period specified under condition (a).

12. The Government may from time to time prescribe the amount of the fees payable to private Veterinary Practitioners who may be appointed under the Regulation for each examination under Section 7 and for each certificate under Section 8 of the Regulation.

13. Whoever commits a breach of, or refuses or neglects to comply with, any Rule made under the Regulation shall be punishable upon conviction, with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

22576 N. W.

II. GOVERNMENT NOTIFICATIONS.

(1)

(No. J. 7996, dated 11th October 1916.)

In exercise of the powers vested in Government by Section 2, Sub-section (1), of the Glanders and Farcy Regulation, V of 1091, it is hereby notified that, for the purposes of that Regulation, the word "diseased" shall also mean affected with "anthrax."— *T. G. G., dated 17-10-1916, Pt. I, P. 1036.*

(2)

(No. J. 7997, dated 11th October 1916.)

Under Section 3 of the Glanders and Farcy Regulation, V of 1091, it is hereby notified that the said Regulation shall apply to the Town of Trivandrum, as defined for the purposes of the Towns Conservancy and Improvement Regulation, III of 1076.— *T. G. G., Ibid.*

(3)

(No. J. 7998, dated 11th October 1916.)

Under Section 15 of the Glanders and Farcy Regulation, V of 1091, it is hereby notified that the Veterinary Inspector, Trivandrum, is appointed to be both Inspector and Veterinary Practitioner, for all the purposes of the said Regulation and the Rules made thereunder.— *T. G. G., Ibid, P. 1009.*

REGULATION VI OF 1091.

A Regulation to amend the Game and Fish Protection Regulation, XII of 1089,

Passed by His Highness the Maha Raja of Travancore on the 24th July 1916 corresponding with the 9th Karkatakom 1091, under Section 13 of Regulation V of 1073.

Whereas it is expedient to amend the Game and Fish Protection Regulation, XII of 1089; It is hereby enacted as follows:—

1. Section 9, Sub-section (*a*).

Add 'or by any other person authorised in this behalf, by name or in virtue of his office, by Our Government' after 'Forest Officer.'

2. Section 10, Sub-section (*b*).

Add 'or by any other person authorised in this behalf, by name or in virtue of his office, by Our Government' after 'Ranger'.

3. Section 17, line 4,

Insert 'by name or in virtue of his office' between 'behalf' and 'by.'

4. Section 18, Sub-section (1), line 6.

Insert 'by name or in virtue of his office' between 'behalf' and 'by.'

APPENDICES.

APPENDIX A.

Arms Regulation, V of 1084.

(See Page 131, Supra.)

GOVERNMENT NOTIFICATION.

(R. Dis. No. 114 of 27 Judl., dated 13th January 1927.)

It is hereby notified, under sanction of Her Highness the Maha Rani Regent, that the entry under "Fee" in Form III of Schedule V of the Rules under the Travancore Arms Regulation, V of 1084, is amended as follows :—

" Fee............

(a) Where granted to a person exempted under Schedule I...Free of all fee.

(b) In all other cases ... ... Ten rupees.

T. G. G., dated 18-1-1927, Pt. I, P. 308.

APPENDIX B.

Proclamation—Palliport Farm.

(Vide Note on Page 131, Supra.)

I

HISTORY OF THE KUTHAKAPATTOM LANDS IN THE FARM.

" The Palliport farm was acquired by Travancore by purchase from the Dutch East India Company in 964 M. E. corresponding to 1789 A. D. In regard to this, I would refer you to pages 132–134 of Mr. Logan's Malabar Manual, Second Edition, Vol. III, which contain a translation of the agreement between the Dutch Company and the Travancore Darbar. No authentic records are forthcoming to show how the tract was managed by the Darbar from 1789 to 1809 A. D. In the latter year, the Palliport farm was rented by the Darbar to one Mr. James Tate for a period of 21 years, on the expiry of which, the tract was given on lease to Mr. Samuel Vernede for a term of 10 years from 1831. Before the expiry of this term, the lease was renewed in 1835—for a period of 20 years with effect from 10th September 1834. On the expiry of this term, the lease was again renewed, in 1854, for a period of 15 years, *i. e.*, up to 1869, in favour of Mr. John Scipio Vernede, son of Mr. Samuel Vernede. All these leases appear to have been entered into with the approval of the British Resident. The lessee had to pay a fixed annual rental to the Darbar, in consideration for which, all sources of revenue accruing from the rented premises were assigned to the lessee. The tenants

were treated as mere tenants-at-will, without any right of occupancy. In default of payment of rent by the tenants, the lessee could, under the terms of the lease, 'dispossess them of the landed property given to them and deliver it to others, selling such portion of their individual property as may be sufficient to recover the revenue due by them.' This provision, in regard to the summary eviction of the tenants, was first inserted in the agreement entered into with Mr. Samuel Vernede in 1830—this document bears the certificate of the then Ag. Resident Lieut. Colonel Cadogan—and it was repeated in every subsequent agreement with the renters.

"As regards the rates of assessment leviable by the renters, no mention is made of the same in any of the agreements. The information has to be gathered from other records. It appears that the gardens comprised in the farm were measured and assessed by Mr. Samuel Vernede in 1021 M. E./1846 A. D., and by Mr. J. Scipio Vernede partly in 1030 M. E./ 1855 A. D. and partly in 1041 M. E./ 1865 A. D., for determining the rents due to them by the tenants. *The accounts drawn up by Mr. Scipio Vernede show that the trees were assessed at Kuthakapattom rates.* The *Kuthakapattom rates, which were actually imposed,* are compared below with the *Pandarapattom* rates then prevailing in the case of Sirkar *Pandarapattom* lands elsewhere.

	Kuthakapattom.		*Pandarapattom.*	
	Chs.	C.	Chs.	C.
First Class Cocoanut tree	18	0	4	0
Second ,,	13	8	3	0
Third ,,	9	0	2	8
Fourth ,,	4	8	2	0

"The *Kuthakapattom* rates appear to have been prevailing in the farm for a long time prior to Mr. Scipio Vernede's survey and settlement.

"In 1860, the Palliport tenants sent up numerous petitions to the then Resident Mr. F. N. Maltby, against Mr. J. Scipio Vernede, complaining among other things that the latter was levying a rent of Chs. 18 on every first class cocoanut tree. These petitions were referred to the Darbar, and were formally enquired into on the spot by a Committee composed of Mr. Kohloff, Conservator of Forests, and Mr. Shangoonny Menon, Deputy Peishkar. In regard to the levy of the 18 Chs. rate, complained of by the ryots, the Committee appear to have observed in their report that *that rate had been fixed long ago, with the other rates of assessment on cocoanut trees, and that, as the ryots had till then been paying at those rates without demur, no interference with those rates was called for.* The conclusions of the Committee were communicated by Sir. T. Madhava Row in his letter No. 1100, dated 15-5-1861, to Mr. Maltby, and were approved of by the latter in his Memorandum to Sir T. Madhava Row dated 23rd *Idem.*

"Mr. J. Scipio Vernede's lease expired in 1869. The Darbar then resumed the farm and has since been dealing direct with the ryots. On resumption of the

farm, the ryots began to pay direct to the Darbar, the rents which they had till then been paying to the renter, *at the same rates as those paid to the latter.*

"In 1871, Sir T. Madhava visited Palliport and drew up a Memorandum, dated 7-10-1871, in regard to its settlement. I subjoin extracts from that Memorandum :—

'The theory upon which the proceedings of both Government and farmer have been all along based, appears to be that all land (except one or two exceptions which need not be taken into account) in the tract is the exclusive property of the State, and that the tenants cultivating the same are removable purely at will, and quite unconditionally. The tenants might be removed at any time and without any compensation of any kind. In consequence of this theory, the farmers of the tract were authorised by the Government to evict any tenant summarily in default of payment of rent and the tenants were not allowed to assign any interests in the lands.

'In strict accordance with this theory, the State has the right to sell by public auction all the garden and paddy lands in Palliport, reserving to itself no more than the ordinary land tax.

'But I would by no means advise the exercise of this right.

'I perceive that practically a feeling of private property unmistakeably exists in the tract, probably the growth of a succession of years. The cocoanut plantations, which abound in the tract and which constitute its chief value, are cut up into moderate sized gardens; each garden is partitioned from its neighbour; each generally has a house in it, occupied by the tenant; the tenant has spent much time and labour on the improvement of his little domain, and he has, in most instances, been occupying the property for some generations. I observe, too, that a custom had sprung up which set limits to the demand of the farmer for rent. He could not arbitrarily exact anything he pleased. The rent payable to him was regulated according to certain fixed rates, and left a considerable margin of profit to the tenant in excess of mere wages of labour, the natural consequence being that the tenancy has acquired a considerable commercial value. And tenant right has been bought and sold, though the Government does not recognise such transactions, in reference to the theory above stated. I have, in short, every reason to feel that the tenants have built their plans of life with reference to a belief that they would never be arbitrarily called upon to give up their holdings. Indeed, were it not for the continued operation of such a belief, I do not think that the Palliport farm would show evidence of so much industry and prosperity. * * *

'The plan I would strongly recommend is that the whole farm be surveyed and assessed by Government agency; and that it be declared that the properties covered by the Pattahs will be private, heritable and transferable, in the sense in which Sirkar Pattom lands are such.

'*I would assess the garden lands at the same rates as have prevailed heretofore or very nearly the same rates. These rates are higher than what apply to Sirkar Pattom gardens but are perfectly fair. There is no sound reason for attempting an equalisation at present by reducing rates that have hitherto prevailed in the farm, and have been acquiesced in by the tenants,* especially bearing in mind that the rates which apply to Sirkar Pattom gardens are too low and may have to be raised hereafter. At one time, I thought that, perhaps, the rates might be equalised and the tenants in the farms might be called upon to pay to the Sirkar the capital value of the annual gain that would thus accrue to them. *But it appears to me that the bulk of the tenants would find it much more convenient to continue to pay the higher rate than to pay a capital sum as the price of a lower rate.* And the Government must remember that capital left in the hands of the ryot, as a general rule, produces more benefit to the country than when transferred to the public coffers. * * *

'When the properties will have been surveyed and assessed and Pattahs granted, and it comes to be understood that the ryots stand to them in the relation of private proprietors, the properties concerned will, I am certain, rise very much in price and in intrinsic value. I am sure that the ryots will feel an increased sense of security in building houses and laying out labour and capital on their properties. In time, the State will, of course, duly participate in the increased prosperity of the people.

'There are some paddy lands, however, in or appertaining to the tract, to which my remarks as to the existence of a feeling of private property do not apply. These are lands which have apparently been at the disposal of the Government farmer, who arranged for their cultivation from time to time according to his unlimited discretion. At one time, he sub-rented them for a term of years; at another, he cultivated them himself; and so on. They are lands in which no ryots are in a position to claim anything analogous to a right of occupancy arising from the outlay of labour or capital, or even from long and uninterrupted cultivation. These paddy lands, on being ascertained as such, I would propose to sell by public auction after survey and assessment.

'I have conferred with the principal ryots of Palliport and have reason to think that the steps I have proposed above will prove acceptable to them.'

"The above views of Sir T. Madhava Row were generally approved of by the then Resident, Mr G. A. Ballard (*Vide* his Memo to Sir T. Madhava Row, No. 600, dated 20-10-1871). I solicit a perusal of Mr. Ballard's note, from which you will see that Mr. Ballard not only approved of the retention of the rates (*Kuthakapattom*) of tree tax, but that he contemplated periodical revisions of the tax by an inspection of the number of trees in the gardens.

"The Darbar followed generally the lines chalked out by Sir T. Madhava Row till the time of Mr. Ramiengar. The latter had to consider the question of the policy

to be pursued in dealing with the Palliport farm in framing his scheme for the revenue settlement of the State. Mr. Ramiengar adopted in the main the lines laid down by Sir T. Madhava Row, as will be seen from the following extracts from the former's Memorandum on the Revenue Survey and Settlement of Travancore, dated 14-4-1885:

'But although the return obtained by the State for its investment (three lakhs of Surat Rupees—the purchase money paid to the Dutch East India Company) is small (and this only shows that they paid a great deal more for the property they acquired than it was worth), it will be seen that the rates of the tree tax levied are excessive, being 4 and 5 times the ordinary assessment of the Sirkar gardens. This is apparently because the Jenmom or proprietory right in the farm originally vested in the Dutch Government, the tenants were mere cultivators entitled only to the ordinary wages of labour, and the Travancore State, having acquired the farm by purchase, has succeeded to the rights possessed by the Dutch. However this may be, it is certain that the Sirkar has been looked upon as the absolute proprietor of the farm, while the tenants have been regarded as mere tenants-at-will. The renter, under the periodical leases introduced after the acquisition of the farm, accordingly obtained from the tenants the highest possible rents the property was capable of yielding, and the Government have continued to do the same since its reversion to Government management.

'It is contended on behalf of Government that it has the right of selling the gardens and lands comprised in the farm by auction to the highest bidder if it so chooses. And, as already stated, a portion of the rice lands was so disposed of so late as 1058. Without disputing the abstract right of Government to do this, it may still be questioned whether such a step is just or expedient. Whatever the original status of the tenants on the farm may have been, they have squatted on it for generations, they have expended labour and capital on the gardens, they have built houses, acquired and sold property, and have undoubtedly acted in the belief that they would not be arbitrarily ousted. * * *

'In these circumstances, it would not be just, or for the interest either of the tenants or of the State as representing the general public, to exercise the right of selling the farm with the view of recouping themselves for the money invested by them in its purchase. On the contrary, our policy should be to confirm the tenants in their possession, to impart to them a sense of security and encourage private industry and enterprise, *without at the same time entailing unnecessary sacrifice of Government interest. This is done by declaring the present rates of tree tax to be the future assessment, by confirming the tenants in their present possession, and by conferring upon them full property rights, i. e., leaving them perfectly free to mortgage, devise, sell or otherwise dispose of their gardens, subject to the payment of the Government demand.* This would place them precisely on the same footing as other holders of Sirkar Pattom lands, and it was also the course suggested by Sir T. Madhava Row in 1871. * * *

'There is no analogy between the property in question, the proprietary right in which has been acquired by the State by purchase, and Sirkar Pattom lands which are the private property of the holders subject only to the payment of the Government demand. I therefore entirely agree with my predecessor in thinking that there is no reason for reducing the rates of assessment now paid and that they should be confirmed.

'One point, however, in this connection is deserving of consideration, namely, whether having adopted the present rates of assessment as the future public demand, it is desirable to perpetuate them, as they are altogether exceptional and are justifid only by the present exceptional tenure of the land. It would be inconsistent to leave such an anomaly, while one great professed object of the Revenue Survey and Settlement is to sweep away such anomalies as far as may be practicable. What I would recommend, therefore, is, that the farm being demarcated and surveyed as other Government lands and assessed in the same manner and on the same principles as those lands, *I would give the ryots the option of redeeming the difference between the resulting assessment of each garden and the assessment which it now pays, by paying down once for all 20 times that difference.* This, it will be noted, is identical with what I have proposed in the case of *Kettuthengu* and other properties charged with payments of the Government demand in kind. This will remove the anomaly to which I have referred, and be just alike to the ryots and the Sirkar. Nor would the option of paying 20 times the difference between the present and future assessment be any hardship to the prayer. *The universal rule by which property is valued in Travancore is to take from 20 to 40 times the assessment.* The 20 years' purchase of the difference which I propose would, therefore, be greatly in favour of the tenants of the farm and ought to be readily accepted, *but if they elect to decline the option, the higher rates of assessment must of course be maintained and collected.*

'The gardens being disposed of in this manner, there remain the rice lands. These are on a different footing. * * As these lands are thus entirely at the disposal of Government, with no private rights to respect, obviously the best mode of dealing with them is to sell them, after they are demarcated, surveyed and assessed by Settlement Department, by auction to the highest bidder, subject to the payment of the fixed assessment. They will then merge in and become incorporated with Sirkar Pattom lands.'

"The above proposals of Mr. Ramiengar were subsequently embodied in Section 27 of the Settlement Proclamation, dated 24-2-1886. This is the Proclamation regulating the general principles of Settlement throughout the State. You will see from a reference to the Proclamation that the Palliport farm is explicitly classed as *Kuthakapattom* area, the fact that the *Kuthakaptiom* rates of assessment are higher than *Pandarapattom* rates is noted and provision is made for equalising

the rates by giving the ryots the option of converting their *Kuthakapattom* gardens into *Pandarapattom* gardens by paying down 20 times the difference between the assessments in the two cases.

"In 1892, and again in 1894, the ryots of Palliport complained against the provisions of the above Proclamation relating to their tract, but the Darbar declined to change its policy. I would invite a reference in this connection to Mr. Grigg's D. O. to Mr. Shungrasoobyer, dated 12th November 1894, where Mr. Grigg has pointed out, in regard to the complaints made to him by certain Palliport ryots, that the Darbar were only following the plan laid out by Mr. Ramiengar and that the ryots were apparently under a mis-apprehension. Mr. Grigg explicitly refers to the option the ryots have of redeeming the difference between the *Kuthakapattom* and *Pandarapattom* assessments by paying down 20 times that difference.

"The regular revenue settlement of the Parur Taluk was commenced in 1905. Before this, however, the bulk of the *rice* lands in the tract were dealt with by the Revenue Department *on the lines laid down by the Proclamation.* In the course of the settlement of the rice lands by the Revenue Department, it was found that some of those lands had been planted and converted into gardens. The Darbar would have been perfectly within its rights if it had disposed of these lands by public auction as laid down in the Proclamation, but in the interests of the ryots, it was resolved to register these *converted gardens* (*i. e.*, rice lands converted into gardens) on *Pandarapattom* tenure *in the names of the occupants on recovery of a vilayarthom amounting to their market-value.* Later on, this *vilayarthom* was allowed to be paid in easy and convenient instalments and the time for payment was subsequently extended. *The concession was availed of by about 80 per cent. of the occupants of the converted gardens,* and as a result, these ryots now pay only the (lighter) *Pandarapattom* assessment in lieu of the original *Kuthakapattom* assessments.

"The settlement of the Parur Taluk, including the Palliport Farm, has now been completed, and the settlement rates (which follow the *Kuthakapattom* rates in the case of gardens on which *vilayarthom* has not been paid, and the *Pandarapattom* rates in the case of the gardens on which *vilayarthom* has been paid) have been introduced from the current Malabar year. Nevertheless, the holders of all *Kuthakapattom* gardens, whether old or converted, in Palliport, have *still* the option of redeeming the difference between the *Kuthakapattom* and *Pandarapattom* assessments and changing the tenure of the gardens from *Kuthakapattom* into *Pandarapattom* by paying down the prescribed *vilayarthom* now *or at any futrue time according to their convenience.*"—

Extract from Dewan's letter to Resident, No. 3494/L. R., dated 23-2-1909, given in L. R. M., Vol. I, Pp. 661—667.

KUTHAKAPATTOM LANDS IN THE PALLIPORT FARM.

II.

(1) G. O. REFERRED TO IN THE PROCLAMATION.

Read :—

* * * * *

Read again :—

* * * * *

2. *Munambom*—otherwise called the Palliport farm in the Parur Taluk, was purchased from the Dutch in 964 M. E. From that year, the tract was being leased out from time to time till 1045 M. E., when it was formally resumed by Government from the lessee. After that, the question of dealing with the lands comprised in the tract engaged the attention of Government, but no final decision was come to till 1061 M. E. The proprietary right to the lands belonged absolutely to Government and the tenants were mere tenants-at-will. Nevertheless, Government laid down by Section 27 of the Proclamation dated 14-7-1061 :—

(i) that the garden lands in the possession of the tenants should be confirmed in their names with full property rights, but subject to the payment of the *Kuthakapattom* assessment ;

(ii) that the tenants might be permitted to purchase exemption from the *Kuthakapattom* assessment and have the lands placed on the same footing as *Pandarapattom* lands by paying down 20 times the difference between the *Kuthakapattom* and the Settlement assessment ; and

(iii) that all rice lands within the tract should be sold by auction and registered in the names of purchasers at the settlement assessment.

A large portion of the lands was settled on the above lines by the Revenue department in anticipation of the regular settlement, and the rest are being dealt with by the Settlement department.

3. In the course of the settlement of the rice lands by the Revenue department, it was found that some of them had been planted and converted into gardens. Though Government would have been perfectly within their rights if they had disposed of these lands also by auction, it was decided that these *thaiveppu* or converted garden lands might be registered as *Pandarapattom* in the names of the occupants on recovery of the market-value assessed at not less than 31¼ times the normal Pattom. Later on, at the instance of the Dewan Peishkar, Kottayam, the market-value or *vilayarthom* was allowed to be paid in convenient instalments, and the time for payment has recently been extended to 12-2-'08. Notwithstanding these concessions, *vilayarthom* to the extent of Rs. (5,310) five thousand three hundred and ten on these gardens remains unpaid.

4. In his Sadhanom No. 273, dated 25-3-'83, read above, the Dewan Peishkar, Kottayam, proposes with reference to these *thaiveppu* lands :—

(i) that the tenants should be distinctly told that, if they do not pay down the *vilayartham* within the time specified, the favourable terms on which they are allowed to hold these lands will be withdrawn and the lands would be brought under *Kuthakapattom* assessment ; and

(ii) that the Settlement department should be instructed to treat as *Pandarapattom* only those gardens that have paid down the *vilayarthom* and to deal with the remaining gardens as *Kuthakapattom* lands and issue Pattahs accordingly.

5. Memorialists submit that the *Kuthakapattom* rates imposed by the Proclamation on the gardens are excessive and should be reduced to Settlement rates. They pray that all lands within the tract might be brought under *Pandarapattom* tenure without the levy of any *vilayarthom*.

Order Thereon, No 1458, dated Trivandrum, 11th February 1908.

Government have given the matter the most careful consideration. With regard to the old garden and rice lands in the tract, Government find that the provisions of the Proclamation regulating their settlement have now been in operation for nearly 22 years and that a large area has been already settled in pursuance thereof. Government are not prepared to introduce any change in the treatment of these lands or to reduce the assessment rates as prayed for by the memorialists.

2. The *thaiveppu* gardens have really been more liberally treated than the other lands in the tract. The rates of *vilayarthom* fixed are comparatively low, and ample facilities have been given for payment of the *vilayarthom*. Nevertheless, the concessions have not been availed of by all the ryots. The D. C. R. statement for the Kottayam Division for Dhanu 1083 shows that a sum of Rs. (5,310) five thousand three hundred and ten is still due on account of *vilayartham*. The latest date for payment is the 13th instant. Government are not prepared to wait any longer for the recovery of the *vilayarthom*. Their order to the Dewen Peishkar, Kottayam, sanctioning the registry of these gardens in the names of occupants clearly makes the payment of *vilayarthom* a condition precedent to such registry. When the occupants have not fulfilled the condition precedent even within the extended period, it is competent to Government to withdraw the concession and to treat the lands like other *Kuthakapattom* lands in the tract. Government therefore direct :—

(1) that the *vilayarthom* remaining unpaid after 13-2-'08 be removed from the D. C. R. statement;

(2) that all cases of lands where the *vilayarthom*, as assessed by the Revenue department, has been already paid down in full, be treated as *Pandarapattom* lands and Pattahs be issued accordingly;

(3) that the lands on which *vilayartham* remains unpaid be treated as *Kuthakapattom* lands and Pattahs issued at the *Kuthakapattom* rates applicable to the old gardens in the tract; and

(4) that it be, however, left open to the holders of such *Kuthakapattom* garden lands to purchase exemption from the *Kuthakapattom* assessment and have the lands placed on the same footing as other lands, by paying down at the time of the Settlement or afterwards, according to the convenience of the holders, the *vilayarthom* already fixed by the Revenue Department or which may hereafter be fixed by the Settlement department on the lines laid down by Government, and that, with a view to facilitate the carrying out of the above purpose, the Pattahs issued

by the Settlement department for the lands do also mention the assessment due on the lands at *Pandarapattom* rates and the *vilayarthom* already fixed by the Revenue department or which may hereafter be fixed by the Settlement department.

Instructions will be issued accordingly.—

T. G. G., dated 18-2-1908, Pt. I, Pp. 93-94.

---

(2) G. O. RE. PAYMENT OF VILAYARTHOM.

Read again :—

* * * *

Read also :—

* * * *

By their order No. L. R. 1458, dated the 11th February 1908, read above, the Government directed that all the *thaiveppu* gardens in the Palliport Farm, on which the *vilayarthom*, as assessed by the Revenue Department, had been already paid down in full, should be treated as *Pandarapattom* lands and *pattahs* issued accordingly and that the gardens on which the *vilayarthom* remained unpaid should be treated as *Kuthakapattom* lands and *Pattahs* issued at the *Kuthakapattom* rates applicable to the old gardens in the tract.

Messrs.........represented at the 8th Session of the Assembly :—

(1) that the *vilayarthom* due for a year on the *old* gardens, under the Proclamation read above, should be spread equally over the four kist months of the year and recovered along with the instalments of kist, and

(2) that the *thaiveppu* gardens on which *vilayarthom* is due should be converted into *Pandarapattom* and the *vilayarthom* due thereon should be recovered from the holders concerned in 10 yearly instalments.

The Government sanctioned the first prayer of the Members, with effect from the 1st Chingom 1088, and issued instructions to the Dewan Peishkar, Kottayam, accordingly.

In regard to the 2nd point, the Members stated that most of the holders of the *thaiveppu* gardens (who had yet to pay the *vilayarthom*) were so poor that they were unable to pay the amount in a single instalment and get their holdings converted into *Pandarapattom*.

Order Thereon No. 12892/L. R. & F., dated Trivandrum, 1st December 1912.

The balance of *vilayarthom* pending recovery on the *thaiveppu* gardens in Munambom is Rs. (3,474-26-2) three thousand four hundred and seventy-four, chuckrams twenty-six and cash two, and it is due from 41 tenants. As these are the only holdings in Munambom now treated as *Kuthakapattom* lands, His Highness' Government consider it desirable to convert these also into *Pandarapattom* with a view to afford relief to the holders and to do away with the *Kuthakapattom* tenure wholly in Munambom. The Government therefore sanction the holders of the

aforesaid *thaiveppu* gardens being allowed to pay the *vilayarthom* due on their gardens in 10 equal yearly instalments with effect from 1088, the *Pandarapattom* assessment being levied on the holdings and recovered from the holders from the beginning of 1088.

It shall be competent to the Government to re-impose the *Kuthakapattom* tax on the *thaiveppu* gardens, in case the holders make default of payment of the yearly instalment of the *vilayarthom* due on any garden. The holders should be required to execute *kychits* before the Tahsildar agreeing to this condition.—

T. G. G., dated 17-12-1912, Pt. I, P. 2427.

---

(3) SETTLEMENT OF KUTHAKAPATTOM LANDS.

[The following para of G. O. No. 13721/L. R. & F., dated 25th December 1913 reviewing the Settlement Final Report, gives an account of the steps taken towards the the settlement of Kuthakapattom lands.]

"50. There were some lands not brought under any fixed settlement, but they were being held under the Sirkar on temporary leases. These comprised the following :—

(1) The Palliport Farm in the Parur Taluk, purchased from the Dutch;

(2) the tract called Puliyanthuruthu also in the Parur Taluk, purchased from the Paliath Menon ;

(3) a small tract of land in the Shertallai Taluk ; and

(4) various small pieces of land scattered throughout the State and forming the sites and compounds of palaces, cutcherries and other public buildings.

The properties in the case of tracts (1), (2) and (3) having been acquired by purchase, used to be rented out to middlemen as a temporary expedient pending a better settlement, but as the farmers cared for nothing but their own profits and sought to rack-rent the ryots, the lands were, later on, leased direct to the ryots themselves, also as a temporary arrangement. The Sirkar was looked upon as the absolute proprietor of the lands, while the tenants were regarded as mere tenants-at-will without any rights of occupancy. The rates of assessment paid were higher than in the case of the *Pandarapattom* lands. In these circumstances, the Government would have been legally justified in selling the properties and recouping themselves for the money invested in the purchase. Nevertheless, with a view to encourage private industry and enterprise and impart to the tenants already on the estate, a sense of security, the Settlement Proclamation dated the 14th Kumbhom 1061/24th February 1886 confirmed to the tenants the garden lands in their possession and conferred upon them full rights in regard to them, subject only to the

payment of the *Kuthakapattom* assessment, all extra payments being abolished. It was left open, at the same time, to the holder to purchase exemption from the high assessment and have his garden placed on the same footing as a pure *Pandarapattom* one by paying down once for all twenty times the difference between the normal or *Pandarapattom* and the exceptional or *Kuthakapattom* assessment. This was allowed to be done either at the time of the settlement or subsequently according to the convenience of the holder. As regards the rice lands comprised in (1) and (2) and also all the areas in (3), these were entirely at the disposal of the Government and had no resident tenants with any rights. Hence they were all ordered to be sold like other *Pandarapattom* lands, subject to the payment of the Pattom assessment fixed at the settlement. * * *."— *T. G. G., dated 6—1—1914.*

APPENDIX C.

Tax on Coffee and Tea Estates Proclamation.

(*Vide Note on Page 182 Supra.*)

RULES.

I.

RULES REGARDING GRANT OF LAND FOR CULTIVATION OF COFFEE.

MEMORANDUM.

(*Dated 8th March 1862.*)

1st. A tax of three-fourths of a Queen's Rupee will be payable to the Sirkar annually on every acre of land granted excepting such area within the limits of the grant as may be unfit for cultivation and shall have been so designated in the grant. The Sirkar tax shall remain unaltered till the year 1067 M. E., after which time the Sirkar will have the power to make any modifications which circumstances may render desirable; but it is stipulated that no increase of the assessment of these lands will be made except in concurrence with and in proportion to a revision of the assessment of the kingdom generally.

2nd. The grantee can appropriate to his own use within the limits of the grant all timber, except the following:

Teak,	Ebony,
Cole Teak,	Carunthally,
Blackwood,	Sandalwood.

Should he carry any timber without the limits of his grant, it will be subject to the payment of *Kuttikanom*, or customs duty, or both, as the case may be, in the

These Rules are applicable to the Estates granted and held under them. They have now been superseded by the Rules dated 28th November 1913, for which see *Infra*.

same way as timber ordinarily felled. In the case of the excepted timber, the grantee is required to pay seigniorage, according to the undermentioned scale:

Teak	...	...	Rs. 10	per candy.
Coal Teak	...	...	„ 4	Do.
Blackwood	...	...	„ 10	Do.
Ebony	...	...	„ 5	Do.
Carunthally	...	...	„ 8	Do.
Sandalwood	...	...	„ 25	Do.

The grantee is bound to deliver to the Sirkar all ivory, cardamoms, and other Royalties produced in the land, and all captured elephants, and he will be paid the regulated price for the articles of produce and the regulated reward for the elephants.

3rd. All established rights of way shall be respected by the purchaser or holder of the land, and such ways shall be at least 21 feet wide. It is to be considered that there is a natural right of way through the land when such is necessary, in order to render the neighbouring land available; but should a road be made where none before existed, the grantee shall receive compensation for any improvements thereby destroyed.

4th. No exclusive rights of water beyond what is necessary for the use of the plantation shall be considered to be conveyed by the grant.

5th. Should the Sirkar have occasion to take up any such portion of the land in question as may be improved by the purchaser for the purpose of constructing roads, channels, or other public works, compensation shall be paid at a fair valuation.

6th. While the Sirkar will enforce the regular payment of tax due to it on the grant at the period specified in the deed of grant, it shall not, in the case of lands paying the assessment from the first, lay down conditions obliging the grantee to cultivate or clear any specific portion of the grant within a specified time. But should the applicant so desire, land for planting coffee will be granted free of assessment for five years, on condition that a quarter of the land shall be cleared and planted within the first three years, failing which the whole assessment shall be levied in the fourth year.

7th. The grantees shall always use their best exertions to prevent the produce of their estates being exported except on payment of the regulated duty at the Customs houses, and to prevent smugglers of articles of Sirkar monopoly and criminals in general obtaining any kind of protection on the estates.

8th. The lands applied for shall be granted in perpetuity as heritable or transferable property, but every case of transfer shall be made known to the Sirkar who shall have the right of apportioning the tax if a portion of the holding is transferred.

9th. The discovery of useful mines and treasures within the limits of the grants shall be communicated to the Sirkar and grantees shall, in respect to such mines and treasures, abide by the decision of the Sirkar.

10th. The produce of . lands held under these Rules will be liable to duty on export in common with other produce exported from the kingdom, but no special duty will be imposed on such produce. The present export duty on office is 5 per cent. on the tariff valuation, being six and one-fourth chuckrams per maund of twenty-five lbs. English.

11th. The cultivation of the lands shall not interfere in any way with the production of cardamoms, whether the culture of that spice be conducted on the part of the Sirkar or by private individuals, and no lands will be granted which the Sirkar has special reasons to reserve.

II.

RULES FOR THE SALE OF WASTE LAND ON THE TRAVANCORE HILLS.

(Dated 24th April 1865.)

1. Waste lands, in which no rights of private proprietorship, or exclusive occupancy exist, and which may not be reserved, as hereinafter provided,. may, until future notice, be sold under the following Rules :—

2. Applications for lands shall be addressed to the Dewan of Travancore, directly in the case of natives, and through the British Resident, in the case of Europeans, and shall comprise the following particulars:

(a) the estimated area of the lot applied for;

(b) the situation of the lot and its boundaries, as accurately as can be stated.

3. No lot shall exceed five hundred acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

4. Every lot shall be compact, and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the lot touches a public road, navigable river, canal or backwater, the length of the road or water frontage shall not exceed one-half of the depth of the lot.

5. No lot shall be sold until the area has been estimated by the Sirkar authorities. Before a title-deed is granted, the lot shall be surveyed.

6. If, on receipt of an application under Rule 2, the Dewan has reason to believe that the lot applied for is saleable under these Rules, he shall call upon the applicant to give such security, not exceeding the estimated cost of the demarcation

---

These Rules are applicable to the Estates granted and held under them. They have now been superseded by the Rules dated 28th November 1913, for which see *Infra.*

and survey, by deposit of cash, or otherwise, as may be deemed necessary and sufficient, to provide for the contingency referred to in Rule 11, unless the land has been already surveyed and demarcated. A deposit paid as above required will be refunded at the sale under Rule 13.

7. If the applicant fails to furnish security under Rule 6, within six weeks from the date of demand, his application shall be null and void.

8. On receipt of the security required under Rule 6, the Dewan shall, as soon as possible, cause the area of the land applied for to be estimated by the Sirkar authorities. He shall then advertise the lot for sale on a given day to be fixed so as to admit of the notice required in Rule 9 being given.

9. The advertisement shall be in English and in Malayalam, and shall specify the locality, extent, and boundaries of the lot, the annual assessment, and the place, time and conditions of sale. It shall be posted for three months at least on the land itself, as well as in the neighbouring villages, in the offices of the Dewan, the Dewan Peishkar and the Tahsildar of the Taluk, and in the nearest Police office. The Dewan shall, at his discretion, fix the time and place of sale, and may alter both, if necessary, provided that not less than 14 days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised, as aforesaid, for three full months at least. A Notification of the intended sale shall also be inserted in the Travancore Gazette.

10. The Dewan shall send written notice of the place and time of sale, as also any alteration under the provisions of Rule 9, to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

11. An applicant withdrawing his application prior to the sale of the lot will be entitled to the refund of so much only of his deposit, where deposit has been paid by him under Rule 6, as may not have been expended. Where no deposit has been paid, he will still be liable to make good any expense which the Sirkar may have incurred, in consequence of his application and its withdrawal.

12. On the withdrawal of an application, it shall be discretional with the Dewan to proceed with the sale of the lot or not as he considers best for the public interests.

13. The upset price shall in all cases be one Rupee* an acre to include all survey expenses. If the original applicant (who may have paid the deposit) be the purchaser, he shall receive credit for his deposit in payment; otherwise the amount of deposit shall be paid to him from the sale proceeds.

14. If, before the time of sale, no claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the lot under

* This was raised to Rs. 10 per acre by Notification, dated 22nd June 1874.

these Rules be preferred, the lot shall, as advertised, be put up to auction and sold to the highest bidder above the upset price subject to an annual assessment of three-fourths of a Queen's Rupee on every acre of land granted; the assessment being payable, either from the first year after date of completion of sale, where the grantee does not bind himself to cultivate or clear any specific portion of the grant within a specified time; or from the fourth year after that date where the grantee binds himself to clear and plant a quarter of the land within the first three years, failing which, the whole of the assessment shall be levied in the fourth year, or in other words, the assessment will be levied from the date of completion of sale in arrears.

15. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price, and the residue of the purchase money shall be paid in full within 30 days.

16. The sale shall be conducted under and subject to the following conditions :—

(1) The highest bidder above the upset price shall be the purchaser of the lot; and if any dispute arise between two or more bidders at the same price, the lot shall be immediately put up again at the last preceding undisputed bidding and resold.

(2) If the purchaser shall pay to the Sirkar the residue of his purchase money, he shall thereupon be placed in possession of the lot, pending survey.

(3) All persons desirous of becoming purchasers are to satisfy themselves as to the identity, correct description, the estimated area, &c., of the lot, previous to the sale, as by having the lot knocked down to him, the purchaser thereof shall be held to have waived all objections to the lot embracing any tract unfit for cultivation, to any mistakes that may afterwards appear to have been made in the description of the lot, as well as to any other error whatever in the particulars of the property.

(4) If the purchase shall not be completed by the 30th day from the day of sale, the purchaser shall pay to the Sirkar interest at the rate of 12 per cent. per annum on the remainder of his purchase money, from the day of sale until the purchase shall be completed, without prejudice, nevertheless, to the right of sale reserved by the 5th condition, if the purchase money be not paid within one year.

(5) If the purchaser shall neglect or refuse to comply with the above conditions or any of them, his deposit money shall be forfeited and retained by the Sirkar, and the Sirkar shall be at liberty to resell the lot either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages.

17. Claims of private proprietorship or of exclusive occupancy or of any right affecting the sale of the land under the Rules, shall be disposed of under the provisions of Regulation II of the year 1040.

18. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, for the growth of timber, &c., or required for other special purposes, are not to be sold under these Rules without the express sanction of His Highness the Maha Raja.

19. As soon as the actual area of the lot purchased has been ascertained by survey, a grant shall be made to the purchaser (provided he shall have paid his purchase money in full) in the form hereto annexed and marked A. Should the actual area ascertained by survey be more than one-tenth less than the area as estimated before the sale, the purchaser shall be refunded a proportionate part of his purchase money in respect of such deficiency beyond one-tenth. Should the actual area be more than one-tenth in excess of the area as estimated, such excess beyond one-tenth shall revert to the Sirkar, and the purchaser shall forthwith yield up possession thereof.

20. Arrears of annual assessment on the lands sold shall be recoverable in the same manner as arrears of ordinary land revenue.

21. Lands sold under these Rules shall continue subject to all general taxes and local rates payable by law or custom.

22. Land sold under these Rules shall be held in perpetuity as heritable or transferable property; but every case of transfer shall be made known to the Sirkar, who shall have the right of apportioning the tax if a portion of the holding is transferred.

23. The existing and customary rights of the Sirkar, of other proprietors, and of the public, in existing roads and paths and in streams running through or bounding lands sold under these Rules, are reserved, and in no way affected by the sale of such lands.

24. Nothing contained in these Rules shall be held to debar the Sirkar from granting waste land on puttah, cowle, or otherwise at discretion as heretofore.

FORM A.

KNOW ALL MEN BY THESE PRESENTS, that.........Dewan of Travancore, in behalf of the Travancore Sirkar, has hereby this day, being the day of........... in the year one thousand eight hundred and...........granted under the Rules for the sale of waste land passed by His Highness the Maha Raja, under date .... to A. B. of..................,his heirs, executors, administrators and assigns for coffee cultivation, in consideration of the purchase money or sum of Rupees.............. duly paid by the said A. B., the tract of land measuring.........British statute acres, situated on............Hills, in the District of..................bounded as mentioned

in the Schedule hereunder written and delineated in the map or survey hereto annexed, to be holden by the grantee, subject to the following conditions :—

1. A tax of three-fourths of a Queen's Rupee will be payable to the Sirkar annually on every acre of land sold. The tax shall remain unaltered till the year 1067 M. E./1890-91 A. D. after which time, the Sirkar will have the power to make any modification which circumstances may render desirable, but it is stipulated that no increase of the assessment of these lands will be made except in concurrence with and in proportion to a general revision of the assessment of the lands of the Travancore State. If, however, the export duty is eventually given up, the assessment on Coffee lands will be raised in due proportion.

2. The aforesaid annual tax is payable in one sum to the Tahsildar of the District of..............on or before the 30th day of June of each year without formal demand from the Tahsildar.

3. Arrears of assessment or tax shall be treated in the same manner as arrears of ordinary land revenue, and be subject to the same mode of realization.

4. The grantee shall maintain permanent boundary marks around his grant, and keep them in good repair, on failure of which, after due notice, it shall be competent to the Sirkar to cause such marks as it may deem necessary to be put up, and to levy the cost of the same with all expenses attendant thereon in the manner prescribed in the foregoing Section.

5. The grantee can appropriate to his own use within the limits of the grant all timber, except the following, and such as may hereafter be reserved :—

Teak,	Blackwood,	Carunthally,
Cole Teak,	Ebony,	Sandal-wood.

Should he carry any timber without the limits of his grant, it will be subject to the payment of Kooticanom, or customs duty, or both, as the case may be, in the same way as timber ordinarily felled. In the case of the expected timber, the grantee is required to pay seigniorage according to the under-mentioned scale :—

Teak ...	...	Rs.	10	per	Candy.
Cole Teak ...	...	"	4	"	"
Black-wood ...	...	"	10	"	"
Ebony ...	...	"	5	"	"
Carunthally ...	...	"	8	"	"
Sandal-wood ...	...	"	25	"	"

The grantee is bound to deliver to the Sirkar all ivory, cardamoms, and other Royalties produced in the land, and all captured elephants, and he will be paid the regulated price for the articles of produce, and the regulated rewards for the elephants.

6. All established rights of way shall be respected by the grantee, and such ways shall be at least 21 feet wide. It is to be considered that there is a

natural right of way through the land when such is necessary in order to render the neighbouring land available.

7. No exclusive right of water beyond what is necessary for the use of the plantation shall be considered to be conveyed by the grant.

8. Should the Sirkar have occasion to take up any portion of the land sold for the purpose of constructing roads, channels, or other public works, due compensation shall be paid.

9. As the assessment is payable from the date of completion of sale, the Sirkar does not lay down conditions obliging the grantee to cultivate or clear any specific portion of the grant within a specified time, or the land will be free of assessment for five years on condition that a quarter of this land shall be cleared and planted within the first three years, failing which, the whole of the assessment shall be levied in the fourth year, or, in other words, the assessment will be levied from the date of completion of sale in arrears.

10. The grantee shall, as a most important condition of the grant, always use his best exertions to prevent the produce of his grant being exported, except on payment of the regulated duty at the Custom houses, and to prevent smuggling of articles of Sirkar monopoly, and criminals in general obtaining any kind of protection on the estates.

11. Every case of transfer of the grant by the grantee shall be immediately made known to the Sirkar, who shall have the right of apportioning the tax, if a portion of the holding is transferred.

12. The discovery of useful mines and treasures within the limits of the grant shall be communicated to the Sirkar, and the grantee shall, in respect to such mines and treasures, abide by the decision of the Sirkar.

13. The produce of lands held under the grant will be liable to duty on export in common with other produce exported from the kingdom; but no special duty will be imposed on such produce.

14. The cultivation of the lands shall not interfere in any way with the production of cardamoms, whether the culture of that spice be conducted on the part of the Sirkar, or by private individuals.

15. The liability of the lands herein specified to municipal, general or local taxes, is not affected by this grant.

The Schedule to which the above Deed refers.

No. of grant.	Taluk, Proverthi and Village.	Name (if any) and boundaries.	Area in acres.

Form of Advertisement.

NOTICE NO.

Sale of Waste Lands.

1. Notice is hereby given that the lands hereunder specified, will be put up to auction at.........(under the Rules for the Sale of Waste lands, dated.........) and sold subject to annual payment of the assessment specified below, to the highest bidder above the upset price of one Rupee per acre, at.........o' clock on the......... day of......18......

2. All parties having claims on the said lands, incompatible with the sale as herein notified are hereby required to prefer their claims on or before the day aforesaid to the undersigned.

Schedule of Lands to be sold.

Taluk.	Proverthi.	Village.	No. of Lot.	Name (if any) and boundaries.	Extent.	Upset price.	Annual assessment.

The sale will be subject to the following conditions :—

1. The highest bidder above the upset price shall be the purchaser of the lot; and if any dispute arise between two or more bidders at the same price, the lot shall be immediately put up again at the last preceding undisputed bidding and resold.

2. If the purchaser shall pay to the Sirkar the residue of his purchase money, he shall thereupon be placed in possession of the lot, pending survey.

3. All persons desirous of becoming purchasers are to satisfy themselves as to the identity, correct description, the estimated area, etc., of the lot, previous to the sale, as by having the lot knocked down to him, the purchaser thereof shall be held to have waived all objections to the lot embracing any tract unfit for cultivation, to any mistakes that may afterwards appear to have been made in the description of the lot, as well as to any other error whatever in the particulars of the property.

4. If the purchase shall not be completed by the 30th day from the day of sale, the purchaser shall pay to the Sirkar interest at the rate of 12 per cent. per annum on the remainder of his purchase money, from the day of sale until the

purchase shall be completed, without prejudice, nevertheless, to the right of sale reserved by the 5th condition, if the purchase money be not paid within one year.

5. If the purchaser shall neglect or refuse to comply with the above conditions or any of them, his deposit money shall be forfeited and retained by the Sirkar, and the Sirkar shall be at liberty to resell the lot either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages.

III.

RULES FOR THE GRANT OF GRASS LAND TO PROPRIETORS OF COFFEE ESTATES.

(Dated the 17th Audi 1052/31st July 1877.)

Grants of grass land in connection with coffee estates for the purposes named below shall, until further notice, be made to proprietors of estates on the Peermade Range of Hills holding under the terms of the Memorandum of 8th March 1862 or the Rules of April 1865 or which may hereafter be granted or sold subject to those or revised Rules, provided land of the description unencumbered by other rights, and which the Government do not wish to reserve, is available either immediately adjoining the estate or within a mile of it.

(*a*) For homestead, *i. e.*, site for dwelling-house, compound, cooly-lines, out-houses, &c.

(*b*) For farmstead, *i. e.*, for cattle-pen and other buildings.

II. Under the head (*a*) the grant will be in the proportion of 4 per cent. of the area of the estate as ascertained by survey, but not exceeding 20 acres for any one estate, whatever its area.

III. Under the head (*b*) the grant will be at the rate of 10 acres for every 100 acres of the estate, the maximum being 50 acres for any one estate.

IV. The lands under the heads (*a*) and (*b*) will be granted as separate blocks or as one block at the discretion of the Dewan, according to the circumstances of the case.

V. If the same party owns more than one estate adjoining each other but held under separate title-deeds, the grants of grass land shall be made separately to each estate.

These Rules are applicable to the Estates granted and held under them. They have been cancelled by Notifn. No. 18249/L. R. & F., dated 28th November 1913.

VI. Where there are two or more applicants for the same tract of grass land, it shall be discretionary with the Dewan to make the most equitable arrangement according to the circumstances of each case, either by granting the whole to any one of them or apportioning it between two or more of them according to their wants or with a view of securing to each the most eligible natural boundaries or other circumstances.

VII. The grants under the Rules will be made quite irrespective of the priority of applications and it is to be understood that no rights in the land accrue till the title-deed is issued.

VIII. Applications for grass lands under these Rules shall be addressed through the Resident by Europeans, and directly to the Dewan by others and shall comprise the following particulars:—

(1) The estimated area of the land applied for.

(2) The situation of the land and its boundaries as accurately as can be stated.

(3) The estate in connection with which the grass land is applied for, its name, the number and date of the title-deed or number of the lot and number and date of the notice in which it was advertised. A rough sketch of the existing estate and of the area applied for with roads and streams adjoining, if any, should accompany the application.

IX. Every lot shall be compact, and shall include no more than one block of land under each of the heads (*a*) and (*b*) capable of being surrounded by a ring-fence, and when the lot touches a public road or navigable river, the length of the road-frontage or water-frontage shall be such as will not exclude others from the same advantage.

X. No lot shall be granted until it has been surveyed and mapped by a Government surveyor.

XI. Every application shall be accompanied by a deposit of one British Rupee per acre of land applied for. The deposit will be taken to account when the grant is made.

XII. When called upon by the surveyor, the applicant shall be bound to cut at his own expense the boundary of his application, and any revised boundary which the surveyor may find necessary to satisfy the Rules, failing which, without sufficient cause, the deposit of one Rupee per acre shall be forfeited and the application become null and void. Notice given by the surveyor to the agent or manager on the estate shall be treated as notice to the proprietor of the

estate, and the boundary cut by such agent or manager shall be binding upon the proprietor or applicant.

XIII. The deposit is also liable to be forfeited, if the applicant should withdraw his application at any time after the survey is made.

XIV. As soon as may be convenient after the survey is made and the map prepared, the Dewan shall, if he sees no objection to the grant, advertise the land in at least three issues of the Travancore Government Gazette. The advertisement shall be in English and Malayalam and shall specify the situation, extent and boundaries of the lot, the annual assessment and any other particulars the Dewan may deem necessary.

XV. A copy of the notice shall be sent to the applicant, or his agent, or the manager on the coffee estate. It shall be posted also in the Dewan's Cutcherry, the Survey Office and the Cutcherries of the Dewan Peishkar and Tahsildar of the District in which the land is situated. No land shall be granted till three months elapse from date of advertisement.

XVI. It shall be competent for the Dewan to countermand or cancel an advertisement once issued, should he see reason to do so.

XVII. The price of grass land granted under these Rules shall be British Rupees two per acre which shall be paid within three months from date of notice that the land will be granted, failing which, the deposit shall be forfeited and the application liable to be treated as null and void. If, however, there be patches of forest land within the limits of the grass land applied for and such forest cannot conveniently be detached from the block of grass land and does not in the aggregate exceed one-seventh of the surveyed area of the block, such forest shall be granted under these Rules on payment of the rate of Rs. 20 per acre. But land which is known as grass land with open forest shall not be granted under these Rules.

XVIII. If the applicant obtains the land applied for in full or part, he shall receive credit for his deposit in payment. If he does not obtain the land and the deposit is not forfeited under these Rules, he shall be entitled to its refund.

XIX. A title-deed shall be issued in the form hereto annexed and marked A, as soon as may be convenient after the expiry of the period of the advertisement and payment is received in full of the value of the land.

XX. The assessment on grass land granted under these Rules shall be at the rate of four annas per acre reckoning from the date of title-

deed, except in the case of lands already permitted to be occupied, in which cases, the tax shall reckon from date of permission given for such occupation.

XXI. If, however, the land is brought under cultivation, the Government reserves to itself the right of raising the tax, and of imposing such higher tax either with reference to the trees grown or upon the area of the land according to the nature of the cultivation, but the revised assessment shall not be higher than the tax imposed for the time being upon coffee estates; if coffee or tea be grown thereon, and in regard to other cultivation, not higher than the rate of assessment leviable from time to time upon similar cultivation upon the best land in other parts of the country.

XXII. If produce new to the country be grown thereon, such as vanilla, cotton, &c., the tax imposed will be such as may be equitable under the circumstances.

XXIII. In regard to the time from which any higher tax imposed under this Rule will come into effect, the rule or custom which regulates assessment on such cultivation in other parts of the country will be applicable; and in respect of tea or coffee, five years from the time of planting and upon the actual area planted.

XXIV. The grantee is bound to give the Government notice at the time at which tax upon such cultivation becomes leviable, stating the nature and extent of the cultivation: failing to do which, such tax shall be payable in arrears from the time it becomes due whenever the Government ascertains the particulars.

XXV. All arrears of assessments shall be recoverable in the same manner as arrears of ordinary land revenue.

XXVI. Lands granted under these Rules shall continue subject to all general taxes and local rates payable by law or custom existing or which may hereafter come into force.

XXVII. Lands granted under these Rules shall be held in perpetuity as heritable or transferable property, but every case of transfer shall be made known to the Sirkar who shall have the right of apportioning the tax if a portion of the holding is transferred. If, however, the grass land is alienated apart from the coffee estate to which it was granted, the holder of the coffee estate shall not be entitled to any fresh grant of grass land.

XXVIII. The existing and customary rights of the Sirkar, of other proprietors and the public, in existing roads and paths and in streams running

through or bounding lands granted under these Rules, are reserved, and in no way affected by the grant of such lands.

XXIX. Claims of private proprietorship or of exclusive occupancy, or of any right affecting the grant of the land under the Rules shall be disposed of under the provisions of Regulation II of the year 1040.

XXX. These Rules shall not affect any grass land for which title-deeds may have been previously issued and which will be governed by the terms and conditions subject to which the grant was made.

XXXI. Subsidiary Rules and Rules which may be necessary to clear doubts may, from time to time, be issued by the Dewan under the sanction of His Highness the Maha Raja and such Rules shall be binding upon all holders of grass land under these Rules. The above Rules are merely framed to guide applicants and Government Officers.

TITLE DEED-NUMBER.

KNOW ALL MEN BY THESE PRESENTS, that........................in behalf of the Travancore Sirkar, has hereby this day being the .... of.............in the year one thousand eight hundred and seventy........ granted under the Rules for the grant of grass lands to coffee estates passed by his Highness the Maha Raja under date the 17th Adi 1052/31st July 1877............heirs, executors, administrators and assigns, in consideration of the purchase money or sum of British Rupees............ paid to the Travancore Sirkar, the tract of land measuring..............bounded as mentioned in the schedule hereunder written, and delineated in the map hereto annexed, to be holden by the grantee subject to the following conditions :—

First. A tax of one-fourth of a British Rupee will be payable to the Sirkar annually on every acre of land granted. The tax shall remain unaltered till the year M. E. one thousand and sixty seven/A. D. one thousand eight hundred and ninety—ninety one, after which time, the Sirkar will have the power to make any modification which circumstances may render desirable; but it is stipulated that no increase of the assessment of these lands will be made, except in concurrence with and in proportion to a general revision of the assessment of the lands of the Travancore State.

Second. If, however, the land is brought under cultivation, the Government reserves to itself the right of raising the tax, and of imposing such higher tax either with reference to the trees grown or upon the area of the land according to the nature of the cultivation, but the revised assessment shall not be higher than the tax imposed for the time being upon coffee estates; if coffee or tea be grown thereon, and in regard to other cultivation, not higher than the rate of assessment leviable from time to time upon similar cultivation, upon the best land in other parts of the country.

Third. If produce new to the country be grown thereon, such as vanilla, cotton, &c., the tax imposed will be such as may be equitable under the circumstances.

Fourth. In regard to the time from which any higher tax imposed under this rule will come into effect, the rule or custom which regulates assessment on such cultivation in other parts of the country, will be applicable; and in respect of tea or coffee, five years from the time of planting and upon the actual area planted.

Fifth. The grantee is bound to give to the Government notice at the time at which tax upon such cultivation becomes leviable, stating the nature and extent of cultivation, failing to do which, such tax shall be payable in arrears from the time it becomes due, whenever the Government ascertains the particulars.

Sixth. The aforesaid annual tax is payable, in one sum, to the Tahsildar of the District of......... on or before the thirtieth day of June of each year without formal demand from the Tahsildar.

Seventh: Arrears of assessment or tax shall be treated in the same manner as arrears of ordinary land revenue and be subject to the same mode of realization.

Eighth. The grantee shall put up and maintain in good repair permanent boundary marks round ....grant in such manner and at such distances as the Revenue Surveyor or other competent Sirkar Officer shall prescribe, on failure of which, after due notice, it shall be competent to the Sirkar to cause such marks, as it may deem necessary, to be put up and to levy the cost of the same with all expenses attendant thereon in the manner prescribed in the foregoing Section.

Ninth. The grantee can fell and appropriate to.........own use within the limits of the grant, all timber, except the following, and such as may hereafter be reserved, namely, teak, cole teak, blackwood, ebony, karoonthaly, sandalwood. Should .... carry any timber without the limits of the grant, it will be subject to the payment of kooteekanom, or customs duty, or both, as the case may be, in the same way as timber ordinarily felled. But he is not permitted to fell any of the excepted timber, till he pays seigniorage according to the undermentioned scale and obtains a permit; teak, rupees ten per candy; ebony, rupees five per candy; cole teak, rupees four per candy; blackwood, rupees ten per candy; karoonthaly, rupees eight per candy; sandalwood, rupees twenty-five per candy. The grantee... ....bound to deliver to the Sirkar all ivory, cardamoms and other Royalties produced in the land, and all captured elephants, and.........will be paid regulated price for the articles of produce, and the regulated reward for the elephants.

Tenth. All established rights of way shall be respected by the grantee and such ways shall be at least twenty-one feet wide. It is to be considered that there is a natural right of way through the land when such is necessary in order to render the neighbouring land available.

Eleventh. No exclusive right of water beyond what is necessary for the use of the land shall be considered to be conveyed by the grant.

Twelfth. Should the Sirkar have occasion to take up any portion of the land granted, for the purpose of constructing roads, channels, or other public works, due compensation shall be paid.

Thirteenth. The grantee shall, as a most important condition of the grant, always use.........best exertions to prevent the produce of the grant being exported, except on payment of the regulated duty at custom houses, and to prevent smuggling of articles of Sirkar monopoly, and criminals in general obtaining any kind of protection on the estate.

Fourteenth. The land granted shall be held in perpetuity as heritable or transferable property, but every case of transfer of the grant by the grantee shall be immediately made known to the Sirkar, who shall have the right of apportioning the tax, if a portion of the holding is transferred.

Fifteenth. The discovery of useful mines and treasures within the limits of the grant shall be communicated to the Sirkar, and the grantee shall, in respect to such mines and treasures, abide by the decision of the Sirkar.

Sixteenth. The produce of lands held under the grant will be liable to duty on export in common with other produce exported from the kingdom; but no special duty will be imposed on such produce.

Seventeenth. The cultivation of the lands shall not interfere in any way with the production of cardamoms, whether the culture of that spice be conducted on the part of the Sirkar or by private individuals.

Eighteenth. The liability of the lands herein specified to municipal, general, or local taxes, is not affected by this grant.

Nineteenth. The grantee shall be bound to preserve the forest growing on the banks of streams running through the tract, the underwood only being permitted to be cleared. Similarly, he shall also be bound to preserve the trees about the crest of the hill.

Signed, sealed and delivered at Trivandrum on the date and in the year above mentioned in the presence of

Witnesses. Dewan.

Schedule annexed to Title Deed-Number.

Number of grant.	Situation of grant.	Name and boundaries.	Area in acres.	Name and No. of coffee estates in connection with which the grant is made.

IV.

RULES FOR THE SALE OF WASTE LAND ON THE TRAVANCORE HILLS, FOR COFFEE AND TEA CULTIVATION.

(Dated the 7th July 1898.) (a)

1. Waste land, in which no rights of private proprietorship or exclusive occupancy exist and which may not be reserved as hereinafter provided, may, until future notice, be sold under the following Rules :—

2. Applications for lands shall be addressed to the Dewan of Travancore, and shall comprise the following particulars :—

(a) The estimated area of the lot applied for,

(b) The situation of the lot and its boundaries, as accurately as can be stated.

3. No lot shall exceed 500 acres. But any person may apply for several contiguous lots, each not exceeding the above limit.

4 Every lot shall be compact and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the lot touches a public road, navigable river, canal, or backwater, the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks shall be so laid out that, as far as practicable, their length shall not exceed half their depth.

5. No lot shall be sold until it has been demarcated with durable boundary marks, and surveyed.

6. If on receipt of an application under Rule 2, the Dewan has reason to believe, that the lot applied for is saleable under these Rules, he shall call upon the applicant to give such security, not exceeding the estimated cost of the demarcation and survey, by deposit of cash or otherwise as may be deemed necessary and sufficient, to provide for the contingency referred to in Rule 11, unless the land has been already surveyed and demarcated. A deposit paid as above required will be refunded at the sale under Rule 13.

7. If the applicant fails to furnish security under Rule 6 within (6) six weeks from the date of demand, his application shall be null and void.

8. On receipt of the security required under Rule 6, the Dewan shall, as soon as possible, cause the land applied for to be demarcated and surveyed. He shall then advertise the lot for sale on a given day to be fixed so as to admit of the notice required in Rule 9 being given.

9. The advertisement shall be in English and Malayalam and shall specify the locality, extent and boundaries of the lot, the annual assessment, and the place,

---

(a) *T. G. G., dated 26-7-1898, Pp. 1725-1727.*

These Rules are applicable to the Estates granted and held under them. They have been superseded by the Rules dated 28th November 1913, for which see *Infra.*

time and conditions of sale. It shall be posted for 3 months on the land itself as well as on the neighbouring villages, in the Offices of the Dewan, the Dewan Peishkar and the Tahsildar of the Taluk and in the nearest Police office. The Dewan shall, at his discretion, fix the time and place of sale, and may alter both if necessary, provided that not less than 14 days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised, as aforesaid, for 3 full months. A Notification of the intended sale shall also be inserted in the Travancore Gazette.

10. The Dewan shall send a written notice of the place and time of sale, as also any alteration under the provisions of Rule 9 to the applicant, but no sale shall be disturbed in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

11. An applicant withdrawing his application prior to the sale of the lot, will be entitled to the refund of so much only of his deposit, where deposit has been paid by him under Rule 6, as may not have been expended. Where no deposit has been paid, he will still be liable to make good any expense which the Sirkar may have incurred, in consequence of his application and its withdrawal.

12. On the withdrawal of an application, it shall be discretional with the Dewan to proceed with the sale of the lot or not as he considers best for the public interests.

13. The upset price shall be ten British Rupees an acre to include all survey expenses. If the original applicant (who may have paid the deposit) be the purchaser, he shall receive credit for his deposit in payment: otherwise the amount of deposit shall be paid to him from the sale proceeds.

14. If, before the time of sale, no claim of private proprietorship or of exclusive occupancy, or of any other right incompatible with the sale of the lot under these Rules be preferred, the lot shall, as advertised, be put up to auction and sold to the highest bidder above the upset price subject to an annual assessment of $\frac{3}{4}$ of a Queen's Rupee on every acre of land granted; the assessment being payable, either from the first year after the date of completion of sale, where the grantee does not bind himself to cultivate or to clear any specific portion of the grant within a specified time; or from the sixth year after the date where the grantee binds himself to clear and plant a quarter of the land within the first 3 years, failing which, the whole of the assessment shall be levied in the 4th year, or in other words, the assessment will be levied from the date of completion of sale in arrears.

15. The successful bidder shall immediately on the sale being declared, pay down 10 per cent of the price and the residue of the purchase money shall be paid in full within 30 days.

16. The sale shall be conducted under, and subject to the following conditions :—

(1) The highest bidder above the upset price shall be the purchaser of the lot; and if any dispute arise between two or more bidders at the same price, the lot shall be immediately put up again at the last preceding undisputed bidding and resold.

(2) If the purchaser shall pay to the Sirkar the residue of his purchase money, he shall thereupon be placed in possession of the lot, pending the issue of title-deed.

(3) All persons desirous of becoming purchasers are to satisfy themselves as to the identity, correct description, and the measurement and boundaries of the premises previous to the sale; as, by having the lot knocked down to him, the purchaser thereof shall be held to have waived all objections to the lot embracing any tract unfit for cultivation, to any mistakes that may afterwards appear to have been made in the description of the lot, as well as to any other error whatever in the particulars of the property.

(4) If the purchase shall not be completed by the 30th day from the day of sale, the purchaser shall pay to the Sirkar interest at the rate of 12 per cent per annum on the remainder of his purchase money, from the day of sale until the purchase shall be completed, without prejudice, nevertheless, to the right of sale reserved by the 5th condition, if the purchase money be not paid within one year.

(5) If the purchaser shall neglect or refuse to comply with the above conditions or any of them, his deposit money shall be forfeited and retained by the Sirkar, and the Sirkar shall be at liberty to resell the lot either by public auction or by private contract, without the necessity of previously tendering a conveyance to the purchaser and the deficiency, if any, arising from such resale together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages.

17. Claims of private proprietorship or of exclusive occupancy or of any right affecting the sale of the land under the Rules, shall be disposed of under the provisions of Regulation II of the year 1040.

18. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, for the growth of timber, &c., or required for other special purpose, are not to be sold under these Rules without the express sanction of His Highness the Maha Raja.

19. As soon as land has been purchased in auction, a grant shall be made to the purchaser (provided he shall have paid his purchase money in full).

20. Arrears of annual assessment on the lands sold shall be recoverable in the same manner as arrears of ordinary land revenue.

21. Lands sold under these Rules shall continue subject to all general taxes and local rates payable by law or custom.

22. Lands sold under these Rules shall be held in perpetuity as heritable or transferable property; but every case of transfer shall be made known to the Sirkar who shall have the right of apportioning the tax if a portion of the holding is transferred.

23. The existing and customary rights of the Sirkar, of other proprietors and of the public, in existing roads and paths and in streams running through or bounding lands sold under these Rules are reserved, and in no way affected by the sale of such lands, under these Rules.

24. Nothing contained in these Rules shall be held to debar the Sirkar from granting waste lands on Puttah, Cowle, or otherwise at discretion as heretofore.

V.

RULES FOR THE SALE OF WASTE LAND ON THE TRAVANCORE HILLS FOR COFFEE OR TEA CULTIVATION, PASSED IN SUPERSESSION OF THE RULES DATED THE 7TH JULY 1898.

(Dated 28th November 1918). (a)

1. Waste land, in which no rights of private proprietorship or exclusive occupancy exist, and which may not be reserved as hereinafter provided, may, *until further notice*, be sold under the following Rules:—

2. Every application for land shall be addressed to the Chief Secretary to the Government, or to the Peishkar or the Superintendent of the Division in which the land is situate, and shall contain the following particulars:—

(a) the estimated area of the lot applied for, and

(b) the situation of the lot and its boundaries, as accurately as can be stated.

The application shall also be accompanied by a sketch of the land applied for.

3. No lot shall ordinarily exceed 500 acres. But a person may apply for several contiguous lots, each not exceeding the above limit.

4. Every lot shall, as far as possible, be compact, and shall ordinarily include no more than one tract of land capable of being surrounded by a ring fence, and when the lot touches a public road, navigable river, canal or backwater, the length of the road or water frontage shall not ordinarily exceed one-half of the depth of the lot, and in all other cases the blocks shall be so laid out that, as far as practicable, their length shall not exceed half their depth.

5. No lot shall be sold until it has been demarcated with durable boundary marks and surveyed.

(a) *T. G. G., dated 3-12-1918, Pt. I, Pp. 3607—3616.*

6. On receipt of an application under Rule 2, the Poishkar or the Superintendent of the Division shall ascertain whether the lot applied for is available for sale and forward the application along with his views thereon to the Chief Secretary to the Government.

7. If, on receipt of an application under Rule 2 or of a report under Rule 6, the Government have reason to believe that the lot applied for is saleable under these Rules, the applicant will be called upon to give such security, not exceeding the estimated cost of the demarcation and survey, by deposit of cash or otherwise, as may be deemed necessary and sufficient, unless the land has been already surveyed and demarcated. A deposit paid as above required will be refunded at the sale under Rule 14.

8. If the applicant fails to furnish security under Rule 7, within (6) six weeks from the date of demand, his application shall be null and void.

9. On receipt of the security required under Rule 7, the Government will, as soon as possible, cause the land applied for to be demarcated and surveyed. The Government may then either advertise the lot for sale by public auction on a given day to be fixed, so as to admit of the notice required in Rule 10 being given, or dispose of it by private sale according as they deem fit.

10. The advertisement, in case the land is to be sold by public auction, shall be in English and Malayalam, and it shall specify the locality, extent and boundaries of the lot, the annual assessment, and the place, time and conditions of the sale. It shall ordinarily be posted for three months on the land itself, as well as in the neighbouring villages, and in the Offices of the Dewan Peishkar or the Superintendent of the Division and the Tahsildar of the Taluk. The Government will, at their discretion, fix the time and tho place of auction and 'nominate the Officer by whom the auction is to be conducted, and may alter all or any of them, if necessary, provided that not less than 14 days' notice shall ordinarily be given of every such alteration, and that no land shall ordinarily be sold until it has been advertised as aforesaid for three full months. A Notification of the intended sale will also be inserted in the Travancore Government Gazette.

11. The Division Peishkar, or the Superintendent in the case of the Devicolam Division, shall send a written notice of the place and the time of sale, as also any alteration under the provisions of Rule 10, to the applicant, but no party shall have the right to have the sale cancelled in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

12. An applicant withdrawing his application prior to the sale of the lot, will be entitled to the refund of so much only of his deposit, where deposit has been paid by him under Rule 7, as may not have been expended. Where no deposit has been paid, he will still be liable to make good any expense which the Sirkar may have incurred in consequence of his application and its withdrawal.

2757б N.18

Appendix C.

13. On the withdrawal of an application, it shall be discretional with the Government to proceed with the sale of the lot or not, as they consider best in the public interests.

14. The upset price will be British Rupees (25) twenty-five an acre, *which will include all survey expenses.* If the original applicant (who may have paid the deposit) be the purchaser, he shall receive credit for his deposit in payment. Otherwise, the amount of the deposit shall be paid to him from the sale proceeds.

15. If, before the time of sale, no claim of private proprietorship, or of exclusive occupancy or of any other right incompatible with the sale of the lot by public auction or by private arrangement under these Rules, be preferred, the lot shall, as advertised, be put up to auction and sold to the highest bidder above the upset price, subject to an annual assessment of one British Rupee on every acre of land granted. The land will be free of assessment for three years on condition that a quarter of it is cleared and planted within the first two years, failing which the whole of the assessment for the three years shall be levied in the third year, or, in other words, the assessment will be levied from the date of the completion of the sale and recovered as arrears.

16. The sale shall be conducted under and subject to the following conditions:—

(1) The highest bidder above the upset price shall be the purchaser of the lot; and, if any dispute arises between two or more bidders at the same price, the lot shall be immediately put up again at the last preceding undisputed bidding and resold.

(2) The person declared to be the purchaser shall pay, immediately after such declaration, a deposit of 10 per centum on the amount of his purchase money, to the Officer conducting the sale, and in default of such deposit the property shall forthwith be put up again and sold.

(3) The full amount of the purchase money shall be paid by the purchaser before the office closes on the 60th day after the sale of the property, exclusive of such day, or, if the 60th day be a Sunday or other holiday, then on the first office day after the holiday.

(4) If the purchase money be not paid within 60 days from the day of the sale, the purchaser shall pay the same to the Sirkar within 6 months from the date of sale, with interest, at the rate of 6 per cent. per annum on the remainder of the purchase money from the date of sale to the date of payment.

(5) If the purchase money be not paid within 6 months from the date of the sale, the deposit, after defraying the expenses of the sale, shall be forfeited to the Government, and the property shall be resold either by public auction or by private contract.

(6) In case of resale under Clause 2 or 5, the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold. The deficiency, if any, arising from such resale, together with all expenses attending it, shall be recovered from the purchaser as if it were arrears of land revenue under Regulation I of 1068.

(7) If the purchaser shall pay to the Sirkar the residue of his purchase money, he shall, thereupon, be placed in possession of the lot, pending the issue of the title deed.

(8) All persons desirous of becoming purchasers shall satisfy themselves as to the identity, correct description and the measurement and boundaries of the premises previous to the sale; by having the lot knocked down to him, the purchaser thereof shall be held to have waived all objections to the lot embracing any tract unfit for cultivation, to any mistakes that may afterwards appear to have been made in the description of the lot, as well as to any other error whatever in the particulars of the property.

17. Claims of private proprietorship, or of exclusive occupancy, or of any right affecting the sale of the land under the Rules, shall be disposed of under the provisions of Regulation II of 1040.

18. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, for the growth of timber, &c., or required for any other special purpose, are not to be sold under these Rules without the special sanction of the Government.

19. As soon as the land has been purchased, a grant shall be made to the purchaser, in the form appended to these Rules, provided he shall have paid his purchase money in full.

20. Arrears of annual assessment on the lands sold shall be recoverable in the same manner as arrears of ordinary land revenue, under the Revenue Recovery Regulation for the time being in force

21. Land sold under these Rules shall continue subject to all general taxes or local rates payable by law or custom at the time of the sale, or which may thereafter become so payable.

22. Land sold under these Rules shall be held in perpetuity as heritable or transferable property; but every case of transfer shall be made known to the Sirkar, who shall have the right of apportioning the tax if a portion of the holding is transferred.

23. The existing and customary rights of the Sirkar, or other proprietors, and of the public, in existing roads and paths and in streams running through or bounding lands sold under these Rules, are reserved, and in no way shall they be affected by the sale of such lands under these Rules.

24. Nothing contained in these Rules shall be held to debar the Sirkar from granting waste lands on *patta*, *cowle*, or otherwise, at their discretion, as heretofore.

25. If any portion of the lands granted under these Rules is cultivated with cardamoms, rubber or other special products, liable to a higher tax than that payable under these Rules, it will be open to the Government to impose on that portion, such higher rates of assessment as may be applicable to lands granted for the cultivation of such products.

26. The full proprietorship of all Royal trees, namely, Teak, Blackwood, Ebony and Sandalwood, within the grant, vests in the Government. In regard to Reserved trees, the applicant is allowed the option of paying for *all* such trees on the land, according to the seigniorage rates, or of paying for such only of those trees as the applicant may require and of allowing the balance to be removed by the Forest Department before the land is granted.

27. The banks of streams or rivers containing forest trees to the extent of 50 yards on each side, and the crests of hills to the extent of a quarter of a mile on each side, will not be assigned for cultivation.

28. The grantee shall, on or before the last day of May every year, give notice (to the Tahsildar having jurisdiction) of all lands planted by the grantee during the current Malabar year with rubber, or rubber and tea, or tea, or any other cultivation liable to an enhanced assessment, and shall specify in every such notice the number of acres of land so planted and the place or places where the same are situate. Provided always that the Sirkar shall be at liberty, at any time, to make any arrangement they may consider necessary to ascertain for themselves the correct extent of land so planted or liable to any of the hereinbefore mentioned taxes and that the expenses of such arrangement shall be borne by the grantee. Provided further that, if the grantee fail to give any such notice to the Tahsildar on or before the last day of May every year hereinbefore required, the grantee shall be liable to pay a prohibitory tax of 5 times the assessment leviable on such plantation from the last day on which such notice ought to have been given.

TITLE DEED—NUMBER.

KNOW ALL MEN BY THESE PRESENTS THAT........the Dewan of Travancore, in behalf of the Travancore Sirkar, has hereby this day, being the.........day of......... in the year One Thousand Nine Hundred and ...., granted under the Rules for the sale of Waste Lands for Coffee or Tea cultivation, passed by His Highness the Maha Raja under date..............to............Heirs, Executors, Administrators and Assigns, for Coffee or Tea cultivation, in consideration of the purchase money or sum of British Rupees......paid to the Travancore Sirkar, the tract of land measuring ..... bounded as mentioned in the Schedule hereunder written, and delineated in the Map hereto annexed, to be holden by the Grantee subject to the following conditions.

Rules *re.* Sale of Waste Land on the Hills.

First. A tax of one British Rupee will be payable to the Sirkar annually on every acre of land sold, but the Sirkar will have the power to make any modification in the tax which circumstances may render desirable; but it is stipulated that no increase of the assessment of these lands beyond one British Rupee an acre will be made, except in concurrence with the general revision of the assessment in the Travancore State. If any portion of the lands granted under these Rules is cultivated with cardamoms or rubber or other produce, it will be open to the Government to impose on that portion such rates of special assessment as may be applicable to the lands granted for the cultivation of such products.

Second. The aforesaid annual tax is payable, in one sum, to the Tahsildar of the Taluk of.............. , on or before the thirty-first day of May of each year, without a formal demand from the Tahsildar.

Third. Arrears of assessment or tax shall be treated in the same manner as arrears of ordinary land revenue under the Revenue Recovery Regulation for the time being in force and be subject to the same mode of realisation.

Fourth. The Grantee shall maintain permanent boundary marks round...... grant, and keep them in good repair, on failure of which, after due notice, it shall be competent to the Sirkar to cause such marks, as it may deem necessary, to be put up, and to levy the cost of the same with all expenses attendant thereon in the manner prescribed in the foregoing Section.

Fifth. The full right to Royal trees within the grant vests in the Government. The Grantee ....bound to deliver to the Sirkar all Ivory, and other Royalties produced in the land, and all captured elephants, and will be paid the regulated price for the articles of produce, and the regulated reward for the elephants, at the discretion of the Sirkar.

Sixth. All established rights of way shall be respected by the Grantee, and such ways shall be at least twenty-one feet wide. It is to be considered that there is a natural right of way through the land when such is necessary in order to render the neighbouring land available.

Seventh. No exclusive right of water beyond what is necessary for the use of the plantation, shall be considered to be conveyed by the grant. But Government reserve to themselves the complete right over all water power.

Eighth. Should the Sirkar have occasion to take up any portion of the land sold, for the purpose of constructing roads, channels or other public works, due compensation shall be paid.

Ninth. The land will be free of assessment for three years on condition that a quarter of it shall be cleared and planted within the first two years, failing

which the whole of the assessment shall be levied in the third year, or in other words, the assessment will be levied from the date of completion of sale, namely, the............

Tenth. The Grantee shall, as a most important condition of the grant, always use ....best exertions to prevent the produce of the grant, being exported, except on payment of the regulated duty at the Custom houses, and to prevent smuggling of articles of Sirkar monopoly and to prevent criminals in general obtaining any kind of protection on the Estate.

APPENDIX D.

Court Fees Regulation, VI of 1087.

I.

CRIMINAL CIRCULARS. (a)

(Issued by the High Court.)

COURT-FEES.

Levy of,—Mode of—

1. It having come to the notice of the High Court that in contravention of the Notification and Circular of His Highness' Government published at Pp. 1477 to 1480 of Part I of the Gazette of the 13th Dhanu last that, from the 1st Makarom 1080, all fees leviable under the Court Fees Regulation (I of 1062) and certain other fees shall be levied in stamps, Court fees under the said Regulation are, in some Magistrates' Courts, still levied in cash, the High Court direct that the practice, irregular as it is, shall be forthwith discontinued.

All Court fees leviable in the Magistrates' Courts under Regulation I of 1062 shall be levied in Court fee stamps as provided for in the said Notification and Circular of His Highness' Government.

The form hereto appended shall be substituted for the Register of Court fees prescribed by Criminal Circular No. 9 of 1074. Daily, monthly and annual totals shall be made and entered in the Register.

The provisions of Civil Circulars Nos. 4 and 5 of 1080 shall be observed by the Magistrates' Courts in the matter of the sale of Court fee stamps, levy of fees in stamps, the defacing of stamps, &c., so far as they are applicable to such Courts. *Cir. No.* 5 of 1080.

(a) See also Vol. I, Pages 835, 841, 933 and 934.

I. CRIMINAL CIRCULARS.

2. As para 10 of the Government Notification No. J. 7966 dated 1st November 1912/16th Thulam 1088 published on pages 2203 and 2204 of the Government Gazette, Volume L, Part I, has prescribed a Register of Court fee stamps to be kept in every Court and every office, the detailed Register of Court fees prescribed by Criminal Circular No. 5 of 1080 (*vide* Form No. 10 published on page 227 of the Digest of Criminal Circulars) has become superfluous. The High Court, therefore, direct that the detailed Register prescribed by Criminal Circular No. 5 of 1080 be discontinued in the Criminal Courts. *Cir. No.* 1 of 1089.

Levy of,—on complaints of criminal trespass.—

It having come to the notice of the High Court that in some Magistrates' Courts, no fees are levied on complaints of criminal trespass into the Rail-road filed by beat constables, the High Court draw the attention of all the Magistrates to para (*d*) 4 of Civil Circular No. 12 of 1062. *Cir. No.* 4 of 1080.

Levy of,—Procedure re—

1. As the High Court understand that some of the provisions of the Court Fees Regulation, VI of 1087, are understood by different Courts in different ways and that consequently there is no uniformity in the matter of procedure regarding the levy of fees, the High Court issue the following directions :—

(1) When copies of judgments, decrees, depositions and other documents are granted from Courts, the fees prescribed in Articles VI and VII of Schedule I need not be levied on the copies. But such fees shall be levied when those copies are subsequently filed in Courts. Copies on which such fees have been once levied are not liable to be stamped again when they are again filed in Courts, or in other words, the fees under Articles VI and VII shall be levied on a copy only once.

(2) Copies of original documents written by copyists for the purpose of being filed in cases along with the original documents are not liable to be stamped under Articles VIII and IX of Schedule I. It is only when the original document is withdrawn from the records that the fee prescribed in Article VIII has to be levied.

(3) Applications for copies of judgments, decrees and other records presented to the High Court are governed by Article I (*a*) of the 2nd Schedule and as such need bare only 2 Chuckram stamp.

(4) But application for copy of an Anu shall be treated as a Civil Miscellaneous application and as such should be engrossed on Rs. 2 stamp paper under Article I (*d*) of the 2nd Schedule.

(5) The provisions of the Court Fees Regulation VI of 1087 do not apply to documents and petitions presented to Courts before 1st Edavom 1087.

(6) The fee prescribed in Article VIII in Schedule I need not be levied on attested copies granted by Registration Officers of registered instruments.
Cir. No. 2 of 1088.

2. The High Court learn that when applications are received for return of original documents after the final disposal of the case, some Magistrates direct the applicants to produce copying stamp sheets and also a stamp of the value of half a rupee for each document, and that the originals are returned only after copies of the same are made by the Court copyist and the half rupee stamp is affixed to each copy. This irregular practice seems to have originated from a misconception of Criminal Circular No. 2 of 1088 which is intended to apply only to cases when the original documents are withdrawn from the records, that is to say, when such documents are returned before the final disposal of the cases in which they are produced. As these copies are to be destroyed after three years, they serve no useful purpose by being incorporated with the records. The High Court therefore direct that such practice should be discontinued wherever it exists. *Cir. No.* 6 of 1096.

Receipt of,—to be noted on document—

The High Court find from the reports of inspection that in some of the Magistrates' Courts, the only record kept of the levy of fees on judicial papers is the account-book in which such fees are credited, and that no note whatever is left on the record of the fact of such payment. As there is thus no means of ascertaining from the record of a case whether the papers therein which are liable to taxation, have been duly taxed, the High Court directs that the receipt of the fee be noted on the back of every document on which a fee has been levied by the cash-keeper or other officer in charge of the Court collections, in his own hand and initialled, the accountant crediting the amount in the accounts countersigning the note.

Cir. No. 15 of 1068.

Recovery of,—under Section 21 of Regulation I of 1062.

Read again letter No. 2671, dated the 24th Thye 1064, from the District Magistrate of Kottayam praying for instructions as to the procedure to be followed in realising from accused persons the Court fee to be recovered under Section 21 of the Court Fees Regulation.

ORDER.—The Court fee herein referred to must be recovered *as a fine.*

Cir. No. 11 of 1064.

Regulation I of 1062.

Section 12—EXEMPTION OF CERTAIN DOCUMENTS.

[Sec. 13 of Regn. VI of 1087.]

1. Read again the following reference from the District Magistrate of Padmanabhapuram, with enclosure.

"I have the honor to forward copy of a petition presented by High Court Vakil... ......protesting against the payment of fees under Regulation I of 1062 on an appeal presented by him on behalf of his client. His contention is that he is exempt under Clause (c) of Section 12 of the above Regulation.

Under the said clause, a petition or appeal presented by a prisoner *in duress* is exempted from paying the fees. He is likewise exempted from paying any fee on a Vakalath executed by him. The question at issue is whether an appeal or petition, *signed* and presented *by* his duly authorized *Vakil* is equally exempt as if it were *signed* and presented by *himself*. I am of opinion that it is. But as it has been the practice in this Court to levy fees on such appeals and petitions, exempting the Vakalaths alone, I think it necessary to have authoritative ruling of the High Court on this point."

ORDER THEREON :—We are of opinion that the District Magistrate's view is correct. Petitions or appeals presented by prisoners in Jail or under duress are expressly exempted by law from payment of Court fees, and this indulgence is not forfeited simply because the presentation is made by an authorized agent or Vakil of the prisoner who, on general principles of law, is entitled to act and appear for parties in Court. *Cir. No.* 13 of 1063.

2. The question having arisen as to "whether a revision petition presented by a Vakil on behalf of two persons one of whom was undergoing imprisonment is taxable", the High Court held that the exemption does not apply as one of the petitioners is not a prisoner. The petition is taxable. *Cir. No.* 2 of 1064.

Section 21—REPAYMENT OF FEES PAID ON APPLICATION TO CRIMINAL COURTS.

[Sec. 23 of Regn. VI of 1087.]

It having come to the notice of the High Court that some Magistrates when they convict the accused on complaints or charges of criminal trespass or defamation do not generally in their judgments order the re-payment to the complainant by the accused of the Court fee paid on the application or petition in the case, the High Court deem it necessary to draw the attention of the Criminal Courts to the provisions of Section 21 of the Court Fees Regulation (I of 1062) which require such orders to be made in all such cases. *Cir. No.* 2 of 1080.

Schedule II—FIXED FEES.

1. It has come to our notice that in some Magistrates' Courts a fee of 14 fanams is levied on complaints in cases of maintenance. As the levy of such a fee is not authorized by the 2nd Schedule appended to the Court Fees Regulation (I of 1062), we direct that the practice, wherever it exists, be at once discontinued. *Cir. No.* 9 of 1068.

2. The question having arisen as to whether a Vakalat executed by a witness in a criminal case authorizing a Criminal Vakil to receive payment from the Court of the batta and travelling allowances due to him for the appearances he put

in, is to be governed by the Court Fees Regulation or the general Stamp Regulation," the Court ruled that the 2nd Schedule appended to the Court Fees Regulation, Article VI (b), fixes the fee payable on Vakalats in Criminal cases. The document referred for orders being a Vakalat in a Criminal case, it should be governed by the Court Fees Regulation. *Cir. No.* 5 of 1074.

3. It is seen from the reports of inspection that the fees prescribed by Article XII of Schedule No. II appended to the Court Fees Regulation (I of 1062) are not levied in some Magistrates' Courts on complaints of criminal trespass punishable under Section 449 of the Penal Code (Regulation I of 1074) under the misconception that the Article relates only to complaints of criminal trespass punishable under Section 448 of the Code. An offence under Sections 448 and 449 being criminal trespass as defined in Section 442 as distinguished from "House trespass" defined in Section 443 (*vide* this Court order on query (e) in Civil Circular No. 12 of 1062, (page 31 of the Civil Digest), the High Court direct that the fees prescribed shall be levied in cases falling under Section 449 also. *Cir. No.* 6 of 1083.

4. It having come to the notice of the High Court that, in some Courts, the Court fee prescribed by Article XIII, Schedule II of Regulation I of 1062, for complaints of the offence of criminal trespass, is not levied when such complaints are dismissed under Section 147 * of the Criminal Procedure Code, it is ruled that no paper or document, liable to a Court fee, under the provisions of Regulation I of 1062, shall be taken up for orders or disposal, before the proper fee due thereon is levied. *Cir. No.* 6 of 1065.

II.

GOVERNMENT PROCEEDINGS.

(1)

Read :—

Regulation VI of 1087, relating to Court Fees, passed by His Highness the Maha Raja on the 24th February 1912.

ORDER No. J 4084, dated Trivandrum, 22nd June 1912.

Clause (c) of Article I of Schedule II of the new Court Fees Regulation, VI of 1087, provides that a fee of two rupees shall be charged on applications or petitions "when presented to Our Government." Doubts have arisen as to (1) what petitions or applications are to be deemed petitions or applications to 'Our Government', and (2) the nature and class of petitions or applications (to whatever authority presented) liable to the payment of Court fee.

2. Petitions on diverse subjects are now presented or sent by Anchal or by Post to His Highness the Maha Raja, to the Dewan, and to the Chief Secretary to

* Section 147 of the old Code corresponds to Sections 181 and 304 of Regulation V of 1067.

Government. The first point for consideration is whether petitions to His Highness the Maha Raja may be considered as petitions to "Our Government" for the purpose of the Court Fees Regulation. Generally, petitions to His Highness on matters relating to the administration of any of the State Departments, are forwarded to the Dewan, and the final disposal either rests with him or is based on his recommendation. If such petitions are not to be considered as petitions to "Our Government," the consequence probably will be that petitions liable to Court fee will be sent to His Highness the Maha Raja direct in view to escape payment of the fee due. His Highness' Government therefore direct that, when a petition to His Highness the Maha Raja is receipted in the Huzur Office, it should be treated as a petition to "Our Government". Petitions to the Dewan direct and to the Chief Secretary to Government should, of course, be considered as petitions to "Our Government" and taxed accordingly.

3. Petitions or applications may be broadly grouped under two classes, *viz.*, (1) petitions preferred under the provisions of statutes or the rules framed thereunder, containing prayers for the exercise or non-exercise of some power conferred on the authority concerned by such statutes or rules, and (2) petitions asking for reliefs to be granted by the authority concerned in administrative or departmental matters. These latter relate to all manner of subjects which it is not possible to classify or enumerate. The question is whether both classes of petitions should be taxed, or only one, and if so which. Applications or petitions to the High Court or to any Court subordinate thereto are presented only in pursuance of Regulations or of the Rules passed thereunder, and such applications or petitions only are liable to taxation under the Court Fees Regulation. The Government feel that, in this matter, all Heads of Departments and the Government are on the same footing as the Courts. His Highness' Government accordingly direct that applications or petitions to the Government or to the Head of a Department should be charged with Court fee only if they are presented in connection with any proceeding which is being taken before the Government or such Head of a Department, *with a view to the exercise or non-exercise of some power or authority conferred upon the Government or upon such Head by some law or rule having the force of law.* Hence, applications for appointments or promotions that are not based upon any claim of right to any hereditary office, and applications for leave of absence, do not require to be stamped. Nor are appeals against the removal, dismissal, reduction or suspension of public servants, chargeable with fee, when the right of appeal is not conferred by any law or by any Rule framed under any law. If the right of appeal be given by a Regulation or a Rule framed under a Regulation, the appeal should be stamped. If a public servant prefers an appeal to a superior authority which has a power of control *specifically given by statute or statutory rules,* the document presented is really in the nature of a revision petition and has to be stamped. Any application in the nature of appeal or otherwise, which may be made in pursuance of rules made by the Government, which are

purely departmental rules and are not and do not profess to be made under any statute, will not be liable to the payment of Court fee.

4. Another point that requires consideration in this connection is whether telegrams are to be treated as applications or petitions for the purpose of the Court Fees Regulation. Telegraphic messages sent to the Government or to public Officers should be regarded as *oral communications* and consequently, applications made by telegraph should not be charged with duty. But no action should ordinarily be taken on a telegram, when it asks for the exercise of a power vested in the authority concerned by any law or by Rule issued under any law, unless the telegram is followed by a *written* petition or application *duly stamped.*—

T. G. G., dated 2-7-1912, Pt. I, P. 1326 b.

(2)

Read again :—

(1) Regulation VI of 1087, relating to Court Fees.

(2) G. O. No. J. 4084, dated the 22nd June 1912.

Read also :—

Letter R/C No. 7137, dated the 23rd September 1912, from the Conservator of Forests.

The Divisional Forest Officer, Central Division, reported to the Conservator of Forests that, in his capacity as a Divisional Forest Officer, he had to receive and dispose of many applications to fell and measure over teak trees and to issue passes for junglewood timbers from registered and tax-paying compounds, as per the provisions of the Forest Regulation and of the Rules issued thereunder, and also as per other Rules having the force of law. As neither the Regulation nor the Government order read above made specific mention of the head of an office, such as a Divisional Forest Officer or a Ranger, he (the Divisional Forest Officer) requested instructions as to whether he could receive petitions duly stamped, or whether he should require the petitioners applying to him to tender their petitions to the Conservator of Forests. The Conservator of Forests has referred the question for the orders of the Government.

ORDER THEREON, No. J. 1147, Dated Trivandrum, 2nd February 1913.

The expression 'Head of a Department' occurring in para 3 of the G. O. read above, means and includes the head of an office, for the purpose of levying Court fees on applications or petitions taxable under the Regulation.

T. G. G., dated 18-2-1913, Pt. I, P. 341.

(3)

Read :—

(1) Regulation VI of 1087, relating to Court Fees, passed by His Highness the Maha Raja on the 24th February 1912.

(2) Petition dated the 13th Meenom 1088, from...........Member, Sri Mulam Popular Assembly, Kalkulam, pointing out the unfairness of insisting upon private land-owners using stamps for their applications for free passes for the removal of timber, &c., from their own registered compounds.

II. GOVERNMENT PROCEEDINGS.

Read again :—

(3) G. O. No. J. 4084, dated the 22nd June 1912, regarding the levy of stamp duty on petitions or applications presented to the Government and to the Heads of Departments.

2. Mr.—has brought to the notice of the Government that it is a source of hardship to the ryots to have to use Court-fees stamps for applications for free passes for the removal of timber, &c., from their private compounds and that the demand for stamps on such applications shows that the passes issued for the removal of one's own fuel, timber, &c., are not *free* passes at all. Mr.—has, therefore, prayed for the issue of orders dispensing with the use of stamps on applications for these free passes.

ORDER THEREON, No. 5842/L. R. & F., Dated Trivandrum, 3rd June 1913.

Under Schedule II appended to the Court Fees Regulation, VI of 1087, every application to the Forest Department for a free pass for the removal of timber and other produce *from a registered holding*, under the Forest Rules, is now liable to be charged with a Court fee of half-a-rupee. His Highness' Government, however, feel that the imposition of a fee like that would be hardly fair, in view to the circumstance that the timber, &c., sought to be removed belongs to the applicant and that the taking out of a pass is insisted on solely for the protection of the Forest Revenue of the Government. The Government will, therefore, remit, under Section 22 of the Court Fees Regulation, the whole of the fee leviable on an application for a free pass for the removal of timber, &c., from a registered holding. A Notification will issue accordingly under the aforesaid Section of the Regulation.—

T. G. G., dated 17-6-1913, Pt. I, P. 961.

---

(4)

Read :—

(1) Letter No. 74, dated the 15th April 1913, from the President, Town Improvement Committee, Parur.

(2) Letter No. J. 4957, dated the 27th June 1913, to the Acting Head Sirkar Vakil.

(3) Letter No. 163, dated the 30th June 1913, from the President, Town Improvement Committee, Changanacherry.

(4) Letter No. 1652, dated the 9th July 1913, from the Acting Head Sirkar Vakil.

The President, Town Improvement Committee, Parur, having raised the question whether petitions presented to a Town Improvement Committee should be taxed under the Court Fees Regulation, VI of 1087, a reference was made to the Acting Head Sirkar Vakil. The latter has submitted his opinion in his letter read above.

ORDER THEREON, No. J. 6955, Dated Trivandrum, 16th August 1913.

The opinion of the Acting Head Sirkar Vakil is that 'all petitions or applications made to the President of a Town Improvement Committee, under the Towns Conservancy and Improvement Regulation, III of 1076, and relating solely to such conservancy or improvement, are liable to a Court fee of two chuckrams,

under para 3 of Clause (*a*) of Article 1 of Schedule II of Regulation VI of 1087. The Government accept this view and direct that no petition or application which requires any act to be done by the President or by the Committee under Regulation III of 1076 should be received and acted upon, unless the same is duly stamped as required by the law.— *T. G. G., dated 2-9-1913, Pt. I. P. 1546.*

---

(5)

Read again :—

(1) Regulation VI of 1087, relating to Court fees, passed by His Highness the Maha Raja, on the 24th February 1912.

(2) G. O. No. J. 4084, dated the 22nd June 1912, regarding the levy of stamp duty on petitions presented to the Government and to the Heads of Departments.

(3) G. O. No. 5842/L. R. & F., dated the 3rd June 1913, regarding the remission of the fee leviable on applications for free passes for the removal of timber, &c., from registered holdings.

* * * *

Read also :—

(5) The representation made at the Ninth Session of the Assembly by Mr.... Member, Shencottah Taluk, pointing out the want of uniformity in the interpretation of the Court fees Regulation.

2. Mr.......brought to the notice of the Government that, even though the Government had allowed the issue of *free* passes to the agricultural ryots for the removal of green manure and timber for agricultural implements, yet the ryots were paying one rupee as Court fee for each application to the Forest or Revenue Department for the grant of a free pass for the removal of a single cart-load of manure, &c.

* * * *

ORDER THEREON, No. 3835/L. R. & F., Dated Trivandrum, 2nd April 1914.

Under Schedule II appended to the Court Fees Regulation, VI of 1087, applications for the removal, from the Government forests, of green manure and timber for agricultural implements, free of charge by the ryots, are liable to be charged with a Court fee of half a rupee. His Highness' Government consider that, in view of the fact that green manure, &c., are allowed to be removed free, the imposition of a fee on the application for removal will be a hardship. The Government will, therefore, remit, under Section 22 of the Court Fees Regulation, the fee leviable on applications for the removal of green manure and timber for agricultural purposes. A Notification will issue accordingly under the aforesaid Section of the Regulation.—

* * * *

T. G. G., dated 28-4-1914, Pt. I, P. 1331.

II. Government Proceedings.

(6)

Read:—

(1) Representation made at the Ninth Session of the Assembly by Mr....... Member, Kunnathur Taluk, and the Dewan's Reply thereto.

* (2) Representation made at the Ninth Session of the Assembly by Mr....... Member, Mavelikara Taluk, and the Dewan's Reply thereto.

(3) Representation made at the Ninth Session of the Assembly by Mr....... Member, Shencottah Taluk, and the Dewan's Reply thereto.

(4) Letter No. J. 336, dated the 16th January 1914, to the Registrar, High Court.

(5) Letter No. 983/C. S., dated the 29th June 1914, from the Registrar, High Court.

(6) Representation made at the Tenth Session of the Assembly by Mr....... Member, Meenachil taluk.

(7) Representation made at the Tenth Session of the Assembly by Mr...... Member, Nominated.

(8) Letter No. J. 8901/99 of '12, dated the 13th November 1914, to the Registrar, High Court.

(9) Letter No. 201/C. S., dated the 29th January 1915, from the Registrar, High Court.

In the representations read above, the Members stated that there was no uniformity in the application of the provisions of the Court Fees Regulation. Mr....... Member, Kunnathur Taluk, dwelt at length on the hardships experienced on account of the Court Fees Regulation, VI of 1087, and pointed out that the difficulties experienced by the public in representing their grievances to the Sirkar authorities had increased considerably. Mr.......Member, Nominated, also represented that uniformity in the application of the Schedules was highly desirable.

2. The several Members prayed for the issue of clear Rules for the guidance of the Courts and they brought to notice the following specific hardships :—

i. Mr.......Member, Kunnathur Taluk, stated :—

(i) that no complaints were put in, in respect of several crimes on account of the fees charged in the various stages of a criminal prosecution ;

(ii) that fees were levied for the return of documents produced in pursuance of the order of the Court as evidence, in cases in which the persons producing them were in no way concerned ; and

(iii) that fees were charged for several applications in the course of a civil suit.

ii. Mr.......Member, Mavelikara Taluk, said :—

(i) that there were differences of opinion in estimating the market-value of a paddy land or garden, some Courts calculating the same at ten times the annual gross profits *plus* the value of all the non-bearing trees, tanks and wells in the land, while other Courts excluded the value of all non-bearing trees ; [The Member suggested that, in the case of lands containing non-bearing trees only, the market-value should be estimated at ten times the ground-rent or tharapattom, and that the notion of some Courts that the market-value of a land was the actual price for which the land could be sold, should be corrected.]

(ii) that, in pursuance of a High Court ruling, Court fees on the plaint in a suit for the cancellation of the Court sale of the Jenmom right over a property already hypothecated, were calculated on the difference between the market-value of the property and the hypothecation amount, while, in the case of suits for the cancellation of a private sale of such Jenmom right, the Court fees were calculated on the market-value; and

(iii) that it was desirable to exempt applications and petitions of the classes mentioned below from the payment of Court fees:—

(a) all applications and petitions in cognisable cases by the complainant or the accused, during the course of the trial, the complaints alone being exempt at present;

(b) petitions in the nature of reminders;

(c) petitions setting forth the inconveniences and difficulties arising from some act or omission on the part of a Government Officer bound by law to take action independently of such petitions;

(d) complaints to Magistrates in case of assault under Section 352 of the Penal Code;

(e) applications for the return of documents referred to in clause (ii) of representation (of Member, Kunnattur);

(f) applications in respect of stolen property or other articles, from persons entrusted with them for safe custody as third parties;

(g) applications by the accused in cases of acquittal for the return of articles taken from their possession;

(h) petitions informing a Magistrate that a cognisable offence is about to be committed; and

(i) compromise petitions in criminal cases.

iii. Mr.......Member, Shencottah Taluk, represented that the procedure adopted in the several Courts was not uniform; and suggested

(i) that communications to Government made by the Members of the Popular Assembly during the continuance of their membership, be exempted from the payment of Court fees;

(ii) that applications in cognisable cases made at any stage of the trial be exempted from the levy of Court fees; and

(iii) that applications for the return of documents referred to in clause (ii) of (Kunnattur Member's) representation be exempted from Court fees.

iv. Mr.......Member, Meenachil Taluk said:—

(i) that the expression "copy of any statement, report or the like" in Article IX of Schedule I, was interpreted in such a way as to include every conceivable record and that no record was accepted in any Court without a half rupee Court fee stamp affixed to it;

(ii) that Court fees were levied on complaints in cognisable cases, on the ground that the complaints were purposely framed in that way to evade the payment of Court fees;

(iii) that some Courts insisted on the submission of a separate application in respect of each record of which copy was required, such as order. decree, judgment, etc ;

(iv) that a half rupee Court fee stamp had to be affixed to every copy of a record obtained from a Revenue office on a half rupee stamp paper, when the same was filed in Courts as evidence;

(v) that, when copies of a whole set of records obtained from a Revenue office on a single application, were filed in evidence, some Courts required a half rupee stamp to be affixed to each of those copies, *e. g.*, copies of the chitta, survey plan, thandaper, etc. ;

(vi) that, in Revenue offices, Vakkalaths had to be presented on a general stamp paper for half a rupee and that, in addition, the Courts were insisting on a half rupee Court fee stamp also be affixed to such Vakkalaths, under Article V of Schedule II of the Regulation.

v. Mr.......Member, Nominated, stated :—

(i) that, in spite of the Proceedings of the High Court to the effect that Court fee stamps need be affixed to copies of decrees or orders having the force of decrees, *only* at the time when any one of those copies is tendered as evidence, Court fees were levied by some Courts on such copies under Articles VI and VII of Schedule I;

(ii) that, as a half rupee Court fee stamp had to be affixed to copies of exhibited documents when they were received back, witnesses were unwilling to produce the documents in their possession in Courts, and that, as a result, the litigant public had almost lost the benfit of documentary evidence ;

(iii) that applications for striking suits off the file on recovery of the decree amount, were charged with Court fees in some Courts ;

(iv) that it was desirable to exempt applications for the issue of chalans and cheques from the payment of Court fees ; and

(v) that fresh Vakkalaths duly stamped were required for execution proceedings and for conducting suits remanded under Section 537 of the Code of Civil Procedure.

The above representations and suggestions were referred to the High Court and their remarks have been received.

ORDER THEREON, No. J. 5053, dated Trivandrum, 13th July 1915.

His Highness' Government have carefully considered the suggestions of the Members and the remarks of the High Court thereon.

2. In regard to the representation of Mr....(Member, Kunnattur Taluk), the High Court have stated that the first and third points urged by the Member are vague and indefinite and that the second point relating to the return of documents produced by witnesses in suits is deserving of consideration. Such applications have already been exempted from the payment of Court fees by Notification No. J. 654, dated the 25th January 1915.

3. As regards the representation of Mr....(Member, Mavelikara Taluk) the High Court have observed :—

(i) that there must be uniformity in the matter of estimating the market-value of lands and that the words 'gross profits' defined in Section 4, Clause (v), must be taken to mean gross produce *minus* the expenses of cultivation in the case of paddy lands and the annual maintenance expenses in the case of garden lands;

(ii) that, where the hypothecation is admitted, Court fees are levied on the value of the jenmom right *minus* the admitted portion, and where the hypothecation is impeached, Court fees are levied on the amount mentioned in the sale deed ; and

(iii) that all the petitions and applications referred to except those included in sub-clauses (*a*) to (*d*) of the representation may be exempted from the payment of Court fees.

Government fully concur in the view of the High Court. The petitions and applications recommended by the High Court to be exempted from the levy of Court fees have been already exempted in the Notification referred to in para 2 above.

4. In regard to the suggestions made by Mr.......(Member, Shencottah Taluk), the High Court have observed that they are not for exempting the applications referred to by the Member except those mentioned in clause (iii). Government accept the High Court's view and the necessary orders have been issued in the Notification already referred to.

5. The High Court have made the following remarks on the suggestions made by Mr....(Member, Minachil Taluk) :—

(i) that the Article of the Court Fees Regulation referred to by the Member did not appear to be a novel provision in the Travancore Regulation and that it was not being wrongly interpreted and applied by the Courts :

(ii) that the provision relating to the levy of Court fees on complaints in cognisable cases is not peculiar to Travancore and appears to be wholesome and that, if it is misapplied by any Court, the remedy is by way of correction ;

(iii) that the provisions complained against in clauses (ii), (iii), (iv) and (v) appear to the High Court to be reasonable and that no want of uniformity in practice has been found to exist : and

(iv) that Vakalaths presented to Revenue offices should bear Court fee stamps only.

Government agree with the High Court in the above view. As regards Vakalaths presented to Revenue offices, Government order that the practice, wherever it exists, of Vakalaths being written on general stamp paper be discontinued at once. Such Vakalaths need bear only half rupee Court fee stamps.

II. Government Proceedings.

6. With reference to the several suggestions of Mr....(Member, Nominated), the High Court have observed :—

(i) that it is not known that, in spite of the instructions contained in Civil Circular No. 2 of 1088, fees are being levied in any Court when copies of decrees or orders having the force of decrees are granted;

(ii) that Article VIII of Schedule I of the Court Fees Regulation does not justify the levying of fees when the original is withdrawn after the case is finally decided, *i. e.*, at a time when the original, if not withdrawn, would be destroyed under the Rules for the destruction of records;

(iii) that, while applications for striking suits off the file are taxed in all the Courts, since something is required to be done by the Courts, applications certifying to the Court full or partial satisfaction of decrees are exempt from Court fees as such applications are only memoranda giving information to the Courts;

(iv) that applications for the issue of chalans and cheques deserve to be exempted from the payment of Court fees;

(v) that no fresh Vakkalaths for execution proceedings are necessary, if the Vakil authorised to conduct a suit is expressly authorised by the same Vakkalath to conduct the execution proceedings also and that it is not known that fresh Vakkalaths are demanded in any Court in remand cases contrary to the provisions contained in Civil Circular No. 46 of 1068.

Having regard to the facts explained by the High Court, Government do not see any want of uniformity in the matter of levying Court fees, as pointed out by the Member in clauses (i), (ii) and (iii). The recommendation of the High Court to exempt from Court fees applications for the issue of chalans and cheques, is accepted and a Notification granting the exemption will be issued.—

T. G. G., dated 27-7-1915, Pt. I, Pp. 1293—1295.

---

(7)

Read :—

(1) Representation at the Eleventh Session of the Assembly by Mr....Member, Agastisvaram Taluk and the Dewan's reply thereto.

(2) Representation at the Eleventh Session of the Assembly by Mr....Member, Kalkulam Taluk, and the Dewan's Reply thereto.

(3) Letter No. 235, dated the 5th August 1915, from the Additional Head Sirkar Vakil

In the representations read above, Mr....Member, Agastisvaram Taluk, stated that at present petitions presented by the ryots for the repair of irrigation channels, etc., had to be stamped with a half-rupee stamp and that this was a hardship to them and he requested that petitions relating to irrigation matters be exempted from the payment of Court fees. Mr....Member, Kalkulam Taluk, stated that the enhancement of Court fees had increased the cost of litigation and that the practical working of the law caused untold hard-

ship to the people. The Member further said that the people had to represent their grievances and wants to the Revenue and Irrigation Departments almost every day, that, in most cases, the object of the petitioners would be to remind the Officers of their legitimate duties, and that, in all such cases, the Officers were insisting on a half-rupee stamp being affixed to each petition. The Member added that the ryots had often to present several petitions about the same grievance and for each such petition they were required to spend half a rupee. The Member specifically pointed out that, when application was made to the Taluk offices for copies of Thandaper accounts of several years, half a rupee stamp had to be affixed to each year's accounts as required by some Tahsildars. The Member, therefore, prayed that the propriety of compelling the poor ryots to pay their hard earned cash in the purchase of stamps for such matters of every day occurrence might be considered.

2. The above representations were referred to the Additional Head Sirkar Vakil and he has said in his reply that the representations made by the Members raise the following points for consideration :—

(1) whether petitions relating to irrigation matters are liable to be stamped under the Court Fees Regulation ;

(2) whether several petitions about the same grievance by the same person to the same authority should all of them be stamped ; and

(3) whether copies of Thandaper accounts of several years furnished by a Revenue Authority in pursuance of a single application should each be separately stamped with a Court fee of eight annas.

With regard to point (1) it is to be observed that, to be liable to stamp duty under the Court Fees Regulation, the applications or petitions in question should, in the first place, be addressed to the authorities mentioned in para 2 of Article I (*b*) or Article I (*c*) of Schedule II of the Regulation, the other Clauses of the Article being wholly inapplicable, and should, secondly, be presented with a view to the exercise or non-exercise of some power or authority conferred on the Officer by the Irrigation Regulation or the Rules passed thereunder. Under para 2 of Article I (*b*), applications or petitions presented to a Civil, Criminal or Revenue Court or to a Division Peishkar or any Revenue Officer having jurisdiction equal to or subordinate to a Division Peishkar or to any Magistrate in his executive capacity, are liable to a Court fee of eight annas. The applications or petitions in question are not, of course, presented to a Civil, Criminal or Revenue Court or to any Magistrate in his executive capacity. A P. W. D. Officer is not a Revenue Officer either ; therefore an application or petition to him need not be stamped. Under Clause (*c*) of Article I, only applications or petitions presented to Government or any Chief Officer charged with the executive administration of a Division, should be stamped with a Court fee of two rupees. The Officers of the Irrigation Department are not included and so petitions of the kind are not taxable under this Clause either. Again, unless the application or petition contains a prayer for the exercise or non-exercise of some power vested in the Officer concerned by the Irrigation Regulation or the Rules passed thereunder, the application or petition need not be stamped. Under the Irrigation Regulation, an application for the carrying out of petty irrigation works may be presented to the Peishkar under Section 5, Section 12, or for the construction of a new irrigation work under Section 19, or under Section 23. Such applications alone need be stamped. The Additional Head Sirkar Vakil's conclusions are that, under the Court Fees Regulation, petitions on irrigation matters addressed to,—

(1) any P. W. D. Officer need not be stamped ;

(2) any officer empowered under Section 23 of the Irrigation Regulation, as amended by Regulation VI of 1090, should be stamped with half a rupee ; and

(3) a Division Peishkar under Section 5, 12, 19 or 23 of the Irrigation Regulation, are liable to a Court fee of half a rupee.

With regard to the second point raised by the Members, *viz.*, whether applications on the same subject to the same authority should be separately stamped, the Additional Head Sirkar Vakil has expressed the opinion that, as each application is a separate one, the fee leviable has to be charged separately.

With regard to the last point, about copies of Thandaper accounts of several years furnished under a single application by a Revenue Officer, the Additional Head Sirkar Vakil is of opinion that, as under Article IX of Schedule I of the Regulation, copy of any account taken out of a Revenue Office is liable to a Court fee of half a rupee, copy of each year's Thandaper account is liable to be separately stamped (*vide* Proceedings of the Board of Revenue, Madras, 119, dated the 16th March 1896).

ORDER THEREON, No. J. 7671, Dated Trivandrum, 26th September, 1915.

Government have considered the representations of the Members and perused the opinion recorded by the Additional Head Sirkar Vakil. The questions raised by the Members relate to the applicability of the Schedules attached to the Court Fees Regulation to the petitions and applications of the kind referred to. Government agree in the interpretation put by the Additional Head Sirkar Vakil as set forth above.

2. In view of the comparatively small number of petitions on irrigation matters, strictly chargeable with duty under the law, Government do not consider that any general exemption is necessary.—

T. G. G., dated 12-10-1915, Pt. I, Pp. 1673-1675.

(8)

Read:—

* * * *

(5) Letter No. 222, dated the 26th July 1917, from the Additional Head Sirkar Vakil, Trivandrum.

Read also:—

(6) Proceedings of the High Court No. 213/1092, dated the 16th Kumbhom 1092.

With his letter No. 756, dated the 19th Vrischikom 1092, the District Magistrate Trivandrum, forwarded for the orders of the High Court calendar and copy of judgment in C. C. No. 12 of 1092 on the file of the Utsavamadom Second Class Magistrate, Trivandrum, and observed that "it is doubtful whether complaints presented by the servants of the Town Improvement Committee are exempt from the operation of the Court Fees Regulation." In their proceedings read above, the High Court set aside the conviction in the case, but no opinion was recorded in regard to the question raised by the District Magistrate. On the strength of the above remarks of the District Magistrate, the Utsavamadom Second Class Magistrate rejected certain charge sheets presented to him by the Assistant Sanitary Inspector, Fort, Trivandrum, because the necessary Court fee stamps were not affixed to them. The President, Town Improvement Committee, Trivandrum, thereupon, represented to Government that the requisition to affix Court fee stamps on all

complaints presented by the subordinates of the Town Improvement Committee before Criminal Courts would cause serious hindrance to conservancy work and requested that orders be issued for the procedure hitherto followed being continued. The District Magistrate also referred the matter to Government for a definite ruling.

2. The question was referred to the Additional Head Sirkar Vakil and his opinion has now been received.

3. The Additional Head Sirkar Vakil says that Officers and subordinates of Town Improvement Committees appointed by the Government or with their sanction are public servants under Sec. 15 of the Travancore Penal Code; that the subordinates otherwise appointed are also public servants under Clause 6 of Section 15 of the Travancore Penal Code, as they have a duty to perform towards the public of the Towns of which they are servants; that the word "public" includes any class of the public or any community (Section 10 of the Travancore Penal Code and Section 2 (15) of the General Clauses Regulation); that complaints by as public servant, as defined in the Travancore Penal Code are exempted under Section 13 (i) of the Court Fees Regulation, VI of 1087, from being charged with Court fee; and that, therefore, the complaints preferred or charges laid by subordinates of Town Improvement Committees before Criminal Courts need not be taxed with Court fee.

ORDER THEREON, No. J 7493, Dated Trivandrum, 5th September 1917.

Government agree in the above view of the Additional Head Sirkar Vakil and order that complaints preferred or charges laid by the subordinates of Town Improvement Committees before Criminal Courts in respect of offences under the Towns Conservancy and Improvement Regulation are not chargeable with Court fee.— *T. G. G., dated 25-9-1917, Pt. I, P. 1063.*

---

(9)

Read :—

(1) Petition dated the 22nd Karkatakom 1092, from some inhabitants of Shencottah, regarding the levy of Court fees on certain kinds of petitions and applications.

(2) Letter No. J. 6979/99 of 12, dated the 4th September 1917, to the Additional Head Sirkar Vakil.

(3) Letter No. 449, dated the 31st December 1917, from the Additional Head Sirkar Vakil.

A petition was received from some inhabitants of Shencottah, stating that the law regarding the levy of Court fees was not uniformly administered in all the Taluks in the State. The petitioners requested the issue of a general order fixing the amount of fees to be realised on the different kinds of petitions. The petitioners also stated that a Court fee of half-a-rupee was realised in the Shencottah Taluk office in respect of each of the petitions mentioned below and requested a definite ruling as to whether they were taxable under the law :—

(1) Petitions for remission of land tax on account of 'tharisu' or 'karivu.'

(2) Petitions for transfer of registry (Pokkuvaravu applications).

(3) Petitions by an aggrieved party regarding any revenue matter or survey or measurement of land.

(4) Applications to Taluk authorities in a Pokkuvaravu or revenue enquiry for certificates for copies of records.

(5) Applications for copies of settlement plans, chittas, etc.

(6) Applications to Criminal Courts, other than those for copies.

2. The petition was referred to the Additional Head Sirkar Vakil. He points out that it is not possible to define the scope of the Court Fees Regulation and to state how and when the provisions of the Regulation should be applied. He had, however, given his views in regard to the petitions and applications specified by the petitioners, as follows:—

(1) The levy of a Court fee of (8) eight annas on petitions for remission of tax on account of 'tharisu' or 'karivu' is illegal. The only Article of Schedule II under which such applications could be brought is I (a) para 2, which prescribes only a fee of (2) two chuckrams. No higher duty could, therefore, be legally levied on such petitions.

(2) Pokkuvaravu petitions also should be treated as falling under Article I (a) para 2 of Schedule II of the Court Fees Regulation, as the transfer is intended to exonerate the registry holder from his liability to payment of tax. Applications put in during such enquiry, whether for adjournment or production of evidence or for any other purpose, are not chargeable with Court fee. If copies are applied for or filed in such enquiries they are liable to Court fee as explained *Infra*.

(3) The third point raised by the petitioners, *viz.*, the levy of Court fee on petitions by an aggrieved party regarding any revenue matter, survey or measurement of land, is too vague to admit of any definite expression of opinion.

(4) Applications to a Tahsildar in a revenue enquiry for certificates for obtaining copies of records are not liable to be taxed under any Article of the Regulation. Applications for copies of documents in a revenue enquiry are chargeable with two chuckrams under the last para of Article I (a) of Schedule II.

(5) Applications for copies of settlement plans, chittas and other documents fall under the last para of I (a) of Schedule II; but when they are filed, they may be liable to a Court fee of annas eight under Article IX.

(6) As regards applications to Criminal Courts other than those for copies, there is no illegality in levying a Court fee of half-a-rupee, as such applications are covered by para 2 of Article I (b) of Schedule II.

ORDER THEREON, No. J. 1560, Dated Trivandrum, 7th/20th February 1918.

Government concur in the above views of the Additional Head Sirkar Vakil.— *T. G. G., dated 26-2-1918, Pt. I, P. 281.*

APPENDIX E.

Silver Coins Proclamation, 1087.

(See Page 456, Supra).

(Notification No. Fl. 385/7 of '21, dated 2nd March 1922.)

It is hereby notified that Sirkar silver coins, half and quarter rupees and fanam pieces, introduced by the Royal Proclamation, dated 22nd Meenom 1087/3rd April 1912, will be freely issued, received and exchanged at the State Treasuries. The descriptions of these coins are contained in the Proclamation referred to above, and are re-published for information.

2. (1) These coins will have milled edges, and the half and quarter rupees will have, in addition, the letters "R" & "V" in relief opposite to each other on the milled edges.

(ii) *The half rupee coin* will bear, on the obverse, the mark of a shank, encircled with two vine creepers knotted together at the bottom, but not joined at the top. The names " തിരുവിതാംകൂർ " and " അരരൂപാ " in Malayalam will appear around the creepers with two symmetrically situated star marks dividing the words. The reverse will bear the words " Half Rupee " and the year of minting of the coin, *viz.*, "1087", or any subsequent year, in English, encircled by the vine creepers as above and also the words "Rama Varma" and "Travancore" in English, with two star marks, between them symmetrically situated. Both on the obverse as well as the reverse, there will be a circle of dots all around the edge.

(iii) *The quarter rupee coin* will have, on its obverse, the impression of a shank encircled by two vine creepers, knotted at the bottom, but not joined at the top, with the words " തിരുവിതാംകൂർ കാൽരൂപാ " in Malayalam around the creepers and a star at foot of the shank but outside the creepers. The reverse will show the words " ¼ Rupee " and the year of minting of the coin, *viz.*, " 1087 " or any subsequent year in English, encircled by the vine creepers as above, and outside the creepers will appear the words " Rama Varma " and " Travancore " in English, divided by two star marks, situated symmetrically. This coin also will have, both on the obverse as well as the reverse, as in the case of the half rupee, a circle of dots all round the edge.

(iv) *The fanam coin* will also have, on its obverse, the impression of a shank with a circle round it; and outside both, two vine creepers, knotted at the bottom, but not joined at the top. These creepers will be again encircled by dots. The reverse will bear the words "Fanam one" and " പണം ഒന്ന " divided by two star marks symmetrically situated and encircled by dots. In the centre is the monogram encircled by dots and with the year of coinage, *viz.*, "1087" or any subsequent year, in English, below the monogram and in line with the circular dots.

3. The fanam pieces that were minted in 1096 will bear on them the figure "1096" as the year of their mintage. *Vide* Notification No. Fl. 2059/7 of '21, dated 12th December 1921.

4. All genuine Sirkar silver coins of the above description may be used by the public as current legal tender coins in their dealings with one another and for payment into the Sirkar Treasuries for monies due.

5. All counterfeit coins presented at the Treasuries will be cut and returned to the tenderer. The cutting will be done in the presence of the Treasury Officers

and the tenderer, if he desires, will be given a statement of the reasons for cutting the coins. Any person not satisfied with the reasons for cutting may at his expense have the cut coins forwarded by the Treasury to the undersigned in a parcel duly sealed in his presence.

6. Heads of Departments and Offices should arrange for genuine Sirkar silver coins being freely accepted in their offices when presented by the public in their transactions with them.— *T. G. G., dated 7-3-1922, Pt. I, P. 114.*

APPENDIX F.

Sea Customs Regulation, V of 1088.

(Vide P. 570, Supra.)

(Vide P. 570, Supra.)

I.

INTERPORTAL CONVENTION.

(A)

NOTIFICATION

No. 265.

By His Highness the Maha Raja of Travancore.

Whereas it has been found expedient to revise in communication with the British Indian Government and the Cochin Sirkar the system of duties hitherto levied on the trade of Travancore, it is notified that from and after the 1st of June 1865/20th of Vaikasi 1040, no Customs duties on account of this Sirkar will be levied on goods imported by land, sea or backwater into Travancore and being the produce or manufacture of British India or of the Territories of the Cochin State, excepting on—

Tobacco, raw and manufactured,
Salt,
Opium,
Spirits,

which will be treated as hitherto.

2. The British Indian and Cochin Governments will also give up their Customs duties on all goods imported by land, sea or backwater into Travancore from their territories. The British Indian Government will permit Bombay salt to be exported to Travancore on the same terms as to the British Provinces, such as Malabar and Canara.

3. On imported goods other than those which are the produce or manufacture of British India or the territories of the Cochin State, the

Travancore Government will levy the British Indian rates of duty except when they shall have already paid duty to British India or the Cochin State, in which case they will be exempted from duty.

4. The duty that this Government will levy on goods exported from Travancore will be ten per cent. on Timber, 15 Rs. per Candy of 500 English lbs. on Pepper and Betel nut, and 5 per cent. on all other goods. But Tinnevelly Cloths exported from Travancore to British India or to Sirkar Cochin will be free. And also, only a limited number of commodities will be liable to export duty at the Chowkies of Rameswaramcotah, Bhagavathycotah and Edapully; the said commodities being notified from time to time.

5. Neither the British Indian Government nor the Cochin State will levy any duty on goods imported into their Territories from Travancore, whether by land, sea or backwater, and whether the produce and manufacture of Travancore or foreign goods which have already paid import duty to this State, excepting

Salt,
Opium,
Spirits.

6. This Sirkar will not tax Coimbatore or other British Indian produce passing through the Travancore backwater to British Cochin or to the Cochin State, nor tax the produce of the Territories of the Cochin Sirkar directly proceeding through Travancore to British Cochin or to some other part of the Territories of the Cochin State itself.

7. The British Indian Tariff of valuations will supersede the Tariffs hitherto in force in the Chowkies of this Sirkar:

26th May, 1865.
14th Vycausy, 1040.

[***Published in Travancore Government Gazette, Extra, dated 1st June 1865/20th Edavom 1040.***]

(B)

NOTIFICATION

BY

The British Resident in Travancore and Cochin.

It is herby notified for general information, that the following arrangements have been made between the British Government and the

Native States of Cochin and Travancore, for the removal of fiscal restrictions on trade between British India and these States, and that effect has been given to the same under the sanction of the Government of India.

2. No duties will hereafter be levied, whether by the British Government, or the Travancore or Cochin States, on goods, being the produce or manufacture of British India, on their import, whether by sea or by land, into the Cochin and Travancore Territories, excepting Tobacco, Salt, Opium and Spirits.

3. No duty will hereafter be levied by the British Government on goods, the produce or manufacture of the Cochin and Travancore States, on their import into British Indian Territory, whether by sea or by land, excepting Salt, Opium and Spirits.

4. Free import will be allowed by the Cochin State into its Territories of Travancore produce and manufactures, and *vice versa* on the same terms and with the same exceptions as those arranged with the British Government.

5. The Cochin and Travancore States will adopt the British Indian Tariff and rates of Import duty on all *foreign* goods imported into them, Tobacco being excepted on import into Travancore.

6. Foreign goods which have already paid duty on import to British India, or to either the Cochin or Travancore State, will be allowed to pass free on further transport to any of these Territories.

7. The Cochin State will adopt the British Indian rates of export duty on articles exported to foreign countries, Pepper being excepted and charged at 15 Rupees a candy.

8. The Travancore State will continue for the present to levy export duties, not less than those obtaining in British India, but not more than 5 Rupees per cent. on all ordinary exports, Rupees 10 per cent. on timber, and 15 Rupees a Candy on Pepper and Betelnut *ad valorem.*

9. The export duty at the Travancore Inland Chowkies, *viz.*, those not situated on the backwater, will be confined to principal goods only, which will be notified from time to time.

10. British Indian goods passing from Coimbâtore through Travancore to the Cochin Territories or British Cochin will be exempt from

export duty in Travancore. The same exemption will extend to Tinnevelly cloths passing through Travancore.

11. Goods passing from one part of the Cochin State through Travancore Territory to any other part of the former will be exempt from export duty in Travancore.

12. The Travancore and Cochin States will adopt the British Indian Tariff valuations for exports, as well as imports.

13. The Cochin and Travancore States will adopt the British Indian selling price of Salt, the rates at Inland Depots being raised so as to place the Salt of Cochin, Travancore and British India on the same footing in the market.

14. The Cochin and Travancore States will import British Indian Salt on the same terms on which it is imported into British Indian Ports.

15. The Travancore State will levy import duty on Tobacco at rates not exceeding the following :—

On Coimbatore tobacco	40	Rupees a candy.
Tinnevelly ,,	85	Do.
Do. (Kalamany) ,,	120	Do.
Jaffna ,,	120	Do.

Trivandrum,
Ist June, 1865,

H. Newill,
Resident.

[*Published in the Travancore Government Gazette dated 6th June 1865, Page 113.*]

(C)

NOTIFICATION

By the Cochin Sirkar regarding Interportal Trade.

Notice is hereby given that, with the view of removing the restrictions on the trade of Cochin with the British and Travancore Territories, the following arrangements have been made by the Cochin Sirkar with the British and Travancore Governments.

Arrangements between the British and Cochin Governments :—

I. All goods the produce or manufacture of British India and all goods exported from any Port or place in Britsh India which are exempt from or have paid duty on importation into British India will be admitted into

the Territories of His Highness the Rajah of Cochin by Sea, Land and Backwater free of all Customs duty, Salt, Opium and Country Spirits excepted.

II. All goods the produce or manufacture of the Cochin State and all goods exported from any Port or place in the Territories of His Highness the Rajah of Cochin, which are exempt from or have paid duty on importation into those Territories, will be admitted into British India by Sea, Land and Backwater free of all Customs duty, Salt, Opium, and Country Spirits excepted.

III. The rates of Customs duties and Tariff valuations in force from time to time in British India will be adopted in the Cochin State.

IV. Foreign goods imported direct into any Port belonging to His Highness the Rajah of Cochin will be charged with the same duties as they would be liable to if imported into any Port of British India.

V. Goods the produce or manufacture of the Cochin State, on exportation to any foreign Port or place, will be charged with the same duties as they would be liable to if exported from any Port in British India, Pepper excepted.

VI. No drawback will be allowed on goods re-exported from any Port or place in the Cochin State to any Port or place in British India and *vice versa*.

VII. The monopoly price of Salt in the Cochin State will be the same as that in British India, an addition on account of carriage, &c., equal to the cost of conveying Salt from Beypore to Palghaut by Rail, being made to that price when the Salt is sold by the Cochin State at the Indian Depots of Chittoor and Nemary.

VIII. The duty at Bombay on Salt intended for the use of the Cochin Government will in future be the same as that levied on Salt exported for the use of the Madras Government.

IX. On Pepper a special duty will be levied as provided for in Act III of 1861.

X. The Cochin Sirkar to be at liberty to levy an excise duty, not exceeding 5 per cent. on Coffee grown on its Hill Tracts, where favourable Leases have been granted, the duty being collected before the Coffee leaves the Estates.

XI. A moiety of the net Customs Revenue realized on Imports and Exports at British Cochin, Tobacco, Pepper, Salt and Opium excepted, will be paid over to the Cochin State.

XII. The British Government engages to make good to the Cochin State any deficit between the sum of Rs. 1,00,000 and the aggregate amount of the excise duty on Coffee, of the moiety of the net Customs duties at British Cochin, and of the Customs duties realized at the Cochin Ports and Customs houses.

Arrangements between the Cochin and Travancore Governments.

I. The Cochin Sirkar to remove all the Chowkies between Travancore and Cochin with a view to the freedom of the Trade to and from Travancore, Cochin, &c.

II. The Travancore Sirkar to allow free entry into Travancore of Goods from Sirkar Cochin on the same terms and with the same exceptions as arranged with the British Government.

III. The Travancore Sirkar to levy at their Inland Chowkies, *viz.*, those which are not situated on the Backwater, export duty only on certain principal goods.

IV. British Indian goods passing from Coimbatore through Travancore to the Cochin Territories or British Cochin will be exempt from Export duty in Travancore. The same exemption will extend to Tinnevelly cloths passing through Travancore. Goods passing from one part of the Cochin State through Travancore Territory to any other part of the former will be exempt from export duty in Travancore.

2. In connection with the above arrangements the selling price of Salt has been increased to Re. 1 As. 8 per Indian Maund at all the Cochin Depots except those of Chittoor and Nemary where a further increase of 2 annas and 3 pies per Indian Maund has been made to the selling price with the view of putting British and Cochin Salt on the same footing.

3. The Chowkies on the Travancore frontier and those established at Putticaud and Cheroothoorthy for the levy of duty on Tobacco will be abolished from the 1st June 1865, and goods will be allowed to be imported and exported free of duty from that date.

4. From the above mentioned date (1st June 1865) the rates of Customs duties and Tariff valuations in force in British India will be adopted by the Cochin Sirkar.

5. With the exception of Pepper, Salt, Opium and Country Spirits, all goods imported into and exported from any Port in the Cochin Territory will be on the same terms as if they are imported into or exported from any Port in British India, but no drawback will be allowed on goods re-

exported from any Port or place in the Cochin State to any Port or place in British India or *vice versa.*

By order of His Highness the Rajah of Cochin.

Huzoor Cutcherry,
Ernacollum in Cochin,
31st May, 1865.

Dewan.

[*Published in the Travancore Government Gazette dated 27th June, 1865, Page 195.*]

II.

NOTIFICATION EXEMPTING FROM DUTY EUROPE LIQUORS THAT HAVE PAID DUTY AT THE BRITISH OR COCHIN PORTS.

ചുങ്കവക പരസ്യം

എന്തെന്നാൽ ശീമചരക്കുകൾ ബ്രിട്ടീഷ് ഇന്ത്യായിലും കൊച്ചിരാജ്യത്തും ഇറങ്ങി തീരുവപ്പെട്ടു ഈ നാട്ടിൽ വരുന്നതിന തീരുവ വാങ്ങിക്കേണ്ട എന്നു ഉത്തരവു കൊടുത്തിരിക്കകൊണ്ടു ഈ വിവരം സകലമാനപേരും അറിയേണ്ടുന്നതാകുന്നു.

എന്നു ൧൦൪൦ കർക്കടകം ൨൫-ാം.

T. G. G., dated 8-8-1865/25-12-1040, P. 263.

III.

NOTIFICATION ADMITTING TRAVANCORE PORTS TO PRIVILEGES OF BRITISH INDIAN PORTS.

Notification No. 1131.

Under the provisions of Section 12 of Act VI of 1863, and in the exercise of the power and authority therein reserved, the Governor-General in Council is pleased to declare the Ports of the Native States of Cochin and Travancore to be British Indian Ports for the purposes of Section 18, Section 141 and Sections 149 to 160 of the same Act, in so far as the said Sections or any of them are capable of being applied with respect to such Ports. This declaration is to have effect from the 1st June 1865.

By Order of the Governor-General in Council
(Sd.) E. H. Lushington,
Secretary to the Government of India.

T. G. G., dated 1-8-1865/18-12-1040, P. 252.

[Act VI of 1863—An Act to consolidate and amend the laws relating to the administration of the Department of Sea-Customs in India—has been repealed by the existing Sea Customs Act, VIII of 1878.]

APPENDIX F.

IV.

RULES re EXEMPTION OF PASSENGERS' LUGGAGE FROM DUTY.

(*Govt. Notifn. R. Dis. No. 649/22, dated 21st/22nd March 1922.*) (a)

In supersession of Notification No. S. R. 5123, dated 8th September 1910, the following Rules regulating the exemption of passengers' baggage from customs duty are passed under sanction of His Highness the Maha Raja dated the 10th March 1922.

1. When the *bona fide* baggage of a passenger accompanies him it does not form part of the cargo of the ship nor is it included in the ship's manifest; such baggage will be exempt from the payment of customs duty.

2. *Bona fide* baggage shall include wearing apparel and personal effects provided that the articles are not for sale and are imported for the personal use of the passenger or for the use of the members of his family travelling with him; but it shall not include the following articles on which duty must be paid in all cases:—

(*a*) Arms, ammunition and all other articles enumerated under "Arms, Ammunition and Military Stores" in the Import Tariff Notification.

(*b*) Alcoholic liquor exceeding two quarts, perfumed spirit exceeding one quart.

(*c*) Cigars and cigarettes exceeding 24 in number whether in opened or unopened boxes and other tobacco exceeding half a lb. in weight.

(*d*) All other articles enumerated under "Liquors, Opium, Salt, Salted fish and Tobacco" in the Import Tariff Notification.

(*e*) Pianos, pianolas, carriages, motor cars and motor cycles.

(*f*) Articles for household use, such as furniture, pictures, carpets, glass, crockery, cutlery and silver and plated ware except such articles (other than furniture or carpets) as shall appear to the Customs authorities to be imported in a moderate quantity and to be required for the personal use of the passenger whilst travelling or immediately upon his arrival at his destination.

3. Notwithstanding anything to the contrary in Rule 1, *bona fide* baggage landed at any Customs Port within one month before or after the arrival of passenger in Travancore may, subject to the exceptions specified in Rule (ii), be passed free at the discretion of the Customs Officer.

4. All fire-arms including officers military equipment must be produced for examination. In handing arms to Customs Officers passengers are requested to unload them if they are charged.

5. Passengers should fill in the first two columns only of the declaration herewith appended; columns 3 and 4 will be filed in by the Customs house Officer.

(a) *T. G. G., dated 28-3-1922, Pt. IV, Excise Dept., Pp. 198-200.*

6. When articles such as fire-arms bear any marks, such as maker's name and a number by which they can be identified, such marks should be noted against them. Omission to give details in the case of fire-arms frequently results in the levy of duty a second time.

7. Articles imported as cargo, *i. e.*, entered in the ship's manifest, should be distinguished from the articles imported as baggage in this form. Such articles will not ordinarily be passed free, but they may be so passed at the discretion of the Customs Officer under paragraph iii above.

8. Duty when charged *ad valorem* is charged on the value of the goods in Travancore including cost of importation.

9. On payment of duty the usual customs receipt will be immediately granted. A detailed receipt giving full particulars necessary for identification of arms and other articles likely to be re-imported will be sent on application being made to the Customs Officer. Passengers are recommended to apply for these receipts in all cases where the goods such as guns are likely to be afterwards taken out of the country and then re-imported.

10. Any article on which duty is proved to have been previously paid on its importation into Travancore is exempt provided that not more than three years have elapsed since it was taken out of Travancore, that drawback has not been claimed and paid on the exportation of the articles and that it remains the property of the original importer or of a member of his family and is imported for private personal use and not for sale. All such articles must be entered in the declaration and the grounds of exemption stated in the last column. The detailed receipt granted under paragraph 7 must be produced or no claim for exemption under this paragraph will be admitted.

11. Passengers are informed that the Customs authorities are empowered to examine and detain all packages which they suspect or regarding which doubts may arise.

12. Any person making a false declaration or attempting to pass dutiable goods without payment of duty is liable to a fine of Rs. 500 and confiscation of property.

Each passenger will be supplied with one form only.

(See reverse direction for filling in.)

Baggage Declaration

Steam ship from

All firearms, including Officers' military equipment, must be produced for examination.

In handing arms to Customs Officers, passengers are required to unload them if they are charged. To avoid accidents particular attention is invited to this precaution.

APPENDIX F.

Any person making a false declaration or attempting to pass dutiable goods without payment of duty is liable to a fine of Rs. 500 and confiscation of the property.

Description of goods.	Value of goods in rupees, if possible or in sterling.	To be filled in by the Customs Officers.		Remarks.
		Rate.	Amount of duty.	
1	2	3	4	5
Fire-arms (full particulars to be entered on reverse).				
Cartridges.				
Other sorts of arms.				
Beer, wines and spirits.				
Perfumed spirits.				
Cigars and cigarettes.				
Other tobacco.				
Pianos and pianolas.				
Carriages, motor cars, and motor cycles.				
Articles for household use the following :—				
(a) Glass and crockery (China).				
(b) Silver ware.				
(c) Plated ware.				
(d) Cutlery.				
(e) Pictures.				
(f) Household linen.				
(g) Kitchen utensils.				
(h) Stores (provisions).				
(i) Furniture and carpets.				
Commercial samples :—				
Articles intended for sale or for the use of other parties.				
Total rupees......				

NOTE:—I certify that the above is a correct statement of the dutiable articles in my baggage and of their estimated value and that I have entered in the above list all articles comprised in my baggage which do not belong to me or to any member of my family travelling with me or which are for sale.

Signature.................................. in Travancore and name of agents......

Occupation and full address......... if any...

EXEMPTION OF PASSENGERS' LUGGAGE FROM DUTY.

Total number of packages :—

Details of arms entered in Declaration.

Nature of weapon—rifle, gun, revolver or pistol.	Number of barrels or chambers.	Bore.	Number.	Makers' name.	Magazine or repeating.	For rifles only.		Value.
						Sighted.	Fitted for bayonet.	
1	2	3	4	5	6	7	8	9

Total value ....

1. Passengers should fill in the first two columns only of the declaration on the reverse: Columns 3 and 4 will be filled in by the Customs house.

2. The following are the Rules for the exemption of passengers' baggage from customs duty.—

(i) The *bona fide* baggage of a passenger is exempt from duty when it accompanies him, does not form part of the cargo and is not included in the manifest.

(ii) *Bona fide* baggage shall include wearing apparel and personal effects, provided that the articles are not for sale and are imported for the personal use of the passenger or for the use of the members of his family travelling with him; but it shall not include the following articles on which duty must be paid in all cases :—

(*a*) Arms, ammunition and all other articles enumerated under "Arms, Ammunition and Military Stores" in the Import Tariff Notification.

(*b*) Alcoholic liquor exceeding two quarts, perfumed spirit exceeding one quart.

(*c*) Cigars and cigarettes exceeding 24 in number, whether in opened or unopened boxes and other tobacco exceeding $\frac{1}{2}$ a lb. in weight.

(*d*) All other articles enumerated under "Liquors, Opium, Salt, Salted fish and Tobacco" in the Import Tariff Notification.

(*e*) Pianos, pianolas, carriages, motor cars and motor cycles.

(*f*) Articles for household use, such as furniture, pictures, carpets, glass, crockery, cutlery and silver and plated ware, except such articles (other than furniture and carpets) as shall appear to the Customs Officers to be imported in a moderated quantity and to be required for the personal use of the passenger whilst travelling or immediately upon his arrival at his destination.

(iii) Notwithstanding anything to the contrary in Rule 1 *bona fide* baggage landed at any Customs Port within one month before or after the arrival of passenger in Travancore may, subject to the exceptions specified in Rule (ii), be passed free at the discretion of the Customs Officer.

3. When articles, such as fire-arms bear any marks such as makers' name and a number by which they can be identified, such marks should be noted against them. *Omission to give details in the case of fire-arms frequently results in the levy of duty a second time.*

4. Articles imported as cargo, *i. e.*, entered in the ship's manifest, should be distinguished from the articles imported as baggage in this form. Such articles will not ordinarily be passed free, but they may be so passed at the discretion of the Customs Officer under paragraph (iii) above.

5. Duty when charged *ad valorem* is charged on the value of goods in Travancore, including cost of importation.

6. On payment of duty, the usual customs receipts will be immediately granted. A detailed receipt giving full particulars necessary for identification of arms and other articles likely to be re-imported will be sent on application being made to the Customs Officer. Passengers are recommended to apply for these receipts in all cases where the goods, such as guns, are likely to be afterwards taken out of the country and then re-imported.

7. Any article on which duty is proved to have been previously paid on its importation into Travancore is exempt, provided that not more than three years elapsed since it was taken out of Travancore, that drawback has not been claimed and paid on the exportation of the articles and that it remains the property of the original importer or of a member of his family and is imported for private personal use and not for sale. All such articles must be entered in the declaration and the grounds of exemption stated in the last column. The detailed receipt granted under paragraph (6) must be produced or no claim for exemption under this paragraph will be admitted.

8. Passengers are informed that the Customs Officers are empowered to examine and detain all packages which they suspect or regarding which doubts may arise.

III.

IMPORT OF APPARATUS FOR WIRELESS TELEGRAPHS.

(*Govt. Notifn. R. O. C. No. 6515/26/G. A., dated 6th February 1928.*)

In exercise of the powers conferred by Section 18 of the Travancore Sea Customs Regulation, V of 1088, and in supersession of Notification No. S. R. 6252, dated the 9th September 1909, the Government of Her Highness the Maha Rani Regent are pleased to restrict, with effect from the 13th February 1928/1st Kumbhom 1103, the bringing into Travancore of any apparatus for wireless telegraphs, to cases in which a license to import such apparatus has been granted by the Government.— *T. G. G., dated 7-2-1928, Pt. I, P. 421.*

[The above Notification appears to be in supersession of Notifn. R. Dis. No. 803/ D. S. R., dated 31-12-1921.—*Vide* Page 647, *Supra.*]

APPENDIX G.

Village Panchayat Courts Regulation, I of 1090.

PROCEEDINGS OF THE HIGH COURT OF TRAVANCORE.

(*Dated the 12th Thulam 1099.*)

The following queries and answers are published for the information and guidance of the Village Panchayat Courts.

1. Whether written applications should be presented to the Village Panchayat Courts for execution of decress? Yes.

2. Whether attested copies of decrees should be produced along with applications for execution of decrees presented before the Village Panchayat Courts? No. But attested copies of decrees should be produced in case where the applications are for transfer of the decrees to other Courts for execution.

3. Whether notice has to be issued to the judgment-debtor if the application for execution is presented after the expiry of one year from the date of the decree or of the striking off of the previous application as infructuous? No.

4. Whether Village Panchayat Courts should be invested with power to allow attachment of movables before judgment? No.

5. Whether any Court fee stamp should be affixed to a copy of the decree produced along with an application for execution presented to a Village Panchayat Court? No.

6. Whether any court fee stamp should be affixed to a copy of the judgment, decree or other proceedings of a Civil, Criminal or Revenue Court produced in evidence before a Village Panchayat Court? No.

7. Whether copies of original documents, accounts, etc., produced in evidence before a Village Panchayat Court have to be prepared on stamp paper of the value of one chuckram as in the Munsiffs' Courts? Yes.

8. Whether any fee should be levied as charges for publication in the Government Gazette of the summonses, notices, etc., in cases filed in the Village Panchayat Courts? Summonses and notices should be got published in the Government Gazette at the cost of the parties.

9. Whether refund of one-half of the institution fee should not be allowed by the Village Panchayat Court? No.

T. G. G., dated 20-11-1923, Pt. IV, Judl. Dept. P. 105.

APPENDIX H.

The Opium Regulation, IV of 1090.

RULES.

(*Dated 7th July 1917.*) (a)

With the sanction of His Highness the Maha Raja, the following Rules are prescribed for regulating the Supply and Issue of Opium and Ganja in the Treasuries.

1. Every Treasury Officer, who is also a Tahsildar having charge of a Taluk, shall always have in stock for purposes of sale to licensed vendors such quantities of opium and ganja as may be prescribed by the Excise Commissioner, and every licensed vendor of opium and ganja shall purchase the opium or ganja required for sale in his shop from the Treasury Officer within the limits of whose land revenue jurisdiction such shop is situate.

2. Whenever a Treasury Officer has to obtain a supply of opium or ganja, he shall forward an indent (Form A) in duplicate to the Excise Officer in charge of the Circle and shall also depute one of his subordinates to take delivery of the article indented for. On receipt of such indent, the Officer in charge of the Circle shall weigh and deliver the article to the Officer deputed for the purpose, obtain his signature in the issue register maintained by such Excise Officer, seal the package with his seal and grant him a pass (Form B) authorising the transport of the article. The duplicate copies of the indent and the pass shall be separately forwarded to the Treasury Officer by such Excise Officer. When the package is produced before him, the Treasury Officer shall have the same opened in his presence

(a) *T. G. G., dated 17-7-1917, Pt. I, Pp. 781-782.*

The Forms referred to in the Rules are omitted.

after verifying the seal and weigh the article in the presence of the Officer deputed for bringing it. The quantity found on weighment shall be entered in the stock register (Form C) and the duplicate copy of the pass received from the Officer in charge of the Circle shall be returned to him with an endorsement stating the quantity found on weighment and credited in the accounts.

3. The stock of opium and ganja received and credited in the accounts as per Rule 2 shall be kept in the Treasury by the Treasury Officer who shall be responsible for its safe custody, correct issue and the proper maintenance of the accounts relating to stock and issue.

4. Every Excise Officer in charge of a Circle shall furnish to the Treasury Officers having the custody of opium and ganja within that Circle a list showing the names, address and other necessary particulars regarding the persons to whom licenses have been granted for the vend of opium and ganja within the limits of the land revenue jurisdiction of each such Treasury Officer.

5. Whenever a licensed vendor has to purchase opium or ganja, he shall produce before the Treasury Officer within the limits of whose land revenue jurisdiction such licensed vendor's shop is situate, a chellan granted by the Excise Inspector in charge of the Range or other Officer empowered in this behalf for the amount of the cost and other charges due to Government on the quantity such licensed vendor desires to purchase. The Treasury Officer shall, on production of the Treasury receipt, issue the quantity of opium or ganja for which payment has been made and also a pass in duplicate (Form D), one being delivered to the shopkeeper immediately and the other forwarded to the Excise Inspector within whose jurisdiction the shop is situate. Ordinarily, the issue of opium and ganja will be made from the Treasuries only on Mondays and Thursdays. If any such day happens to be a holiday, the issue will be made on the Office day next succeeding.

6. The procedure laid down in Rule 5 shall regulate the issue of opium or ganja required for use in any Government institution.

7. The licensed vendor shall be bound to purchase for sale in his shop not less than half a seer of opium or one seer of ganja at a time from the Treasury of the Taluk in which the shop is situate at such price as may from time to time be notified by Government in the Gazette, the prevailing selling price being Bh. Rs. 42 Annas 8 per seer of opium and Bh. Rs. 18 Annas 12 per seer of ganja. †

8. No issue shall be made from any new stock until the older one has been completely exhausted.

9. Stock shall be taken by the Treasury Officer by actual weighment on the first working day of every month and a statement (Form E) showing the results

† The selling price has since been gradually raised and it now stands at Bh. Rs. 76 1/2 and Bh. Rs. 26 respectively, per seer. The price is liable to change as per Notification issued by Government.

of such stock-taking shall be forwarded by the Treasury Officer to the Excise Commissioner.

10. The Treasury Officer shall correctly maintain in his office a Register of stock (Form C) and a Register of issues (Form F).

11. The Division Peishkar or his Assistant and the Commissioner of the Devicolam Division or his Assistant shall examine, at least, once every six months the stock of opium and ganja in each Treasury under him, note their condition, check the entries in the books maintained and embody the results in their inspection reports to the Account Officer in the form of answers to the following questions:—

(1) Are the accounts of stock and issue kept regularly up to date?

(2) Do the quantities shown in the passes issued by the Officer in charge of the Circle tally with the entries of receipts in the stock Register?

(3) Has the price of the quantity of opium or ganja shown in the Register of issues been regularly credited in the cash accounts of the Treasury?

(4) What is the stock in hand on the date of inspection?

(5) When was stock last actually taken and by whom?

(6) When by the Dewan Peishkar or his Assistant or the Commissioner of Devicolam or his Assistant?

(7) Was stock taken by the Treasury Officer on the first working day of every month and reports showing the results regularly forwarded to the Excise Commissioner immediately after?

(8) Does the stock found at the inspection agree with the balance as per the Registers?

(9) Is the stock adequate or in excess?

(10) Was care taken to see that supplies were made only to licensed vendors and to Government institutions for Government purposes?

(11) Are the treasury receipts for the remittance of the price being regularly filed and at the end of each month forwarded to the Excise Commissioner?

(12) The Inspecting Officers named in the last preceding Rule should also as far as possible, make other unexpected examinations at irregular intervals reporting the result without delay to the Account Officer.

(13) It shall be competent to the Excise Commissioner to examine the stock and accounts of opium and ganja kept in the Treasuries.

(14) The Treasury Officer shall before the 3rd day of each month, forward to the Excise Commissioner and also to the Officer in charge of the Circle a statement (Form G) of receipts and issues relating to the previous month.

APPENDIX I.

Land Customs Regulation, II of 1091.

I.

CUSTOMS RULES.—SHORANORE-COCHIN RAILWAY. †

[As amended.]

No.	Name of Article.	Per.	Tariff Valuation.	Rate of Duty.
			Rs. As. P.	Rs. As. P.
I.	Tobacco ...	Candy	... ...	100 0 0
	Snuff ...	Bottle of 54 tolas.	2 2 0	Eight per cent.
	English Tobacco used for smoking..	Pound	3 8 0	Do.
	Cigars ...	Do.	3 8 0	Do.
	Cigarettes ...	...	*Advalorem*	Do.
	Goodak ...	Pound	0 8 0	Do.
	Beedies * ...	Do.	3 8 0	Do.
	Tobacco Indian or otherwise used for the manufacture of beedies ...	Do.	3 8 0	Do.
	Other kinds of manufactured Indian tobacco ...	Do.	3 8 0	Do.
II.	Indoopu and table salt ...	Indian maund 3200 tolas		1 4 0
III.	Salt ... Ordinary salt cannot be imported except on account of Government.			
IV.	Opium and Ganja ... Cannot be imported except by Government contractor.			

* Half the weight of the beedies will be treated as tare and duty will be levied on the other half only.

Import duty is leviable on the articles specified in the margin. Export duty is leviable on the articles exported from the stations on the line in the Travancore State as per list appended.

2. Railway officials residing in Railway premises or within Railway limits within Travancore State, are not exempt from Customs dues but must pay them on any dutiable articles imported or exported by them. A Travancore Customs Officer will be at the station on the arrival and departure of each train to assess such articles and receive the prescribed duty, in the case of such Railway employees who may find it inconvenient to go to the Customs office.

3. A Customs house official shall be permitted to be present at the Railway parcels office or goods-shed to conduct passengers and others clearing parcels or goods to the Customs house for examination.

4. Whenever modifications are made in the Export or Import tariff, the same shall be communicated to the agent.

5. The Travancore Government will grant licenses (copy subjoined) free of charge on the application of the Traffic Manager for such platform vendors who may wish to sell tobacco, cigars, &c. The tobacco sold in the Railway premises must be tobacco on which duty has been already paid to the Travancore Government. The payment of duty on all dutiable articles imported or exported, subject

† *T. G. G., dated 23-9-1902, Pt. I, Pp. 803–804.*

to a penalty, shall be made a condition of the agreements executed with the Railway by all such vendors.

6. The waybills, invoices, receipts and station registers of all goods and parcels traffic received at stations shall be open to the inspection of the Customs Department for the purpose of enabling them to levy duty.

7. Customs houses have been erected to control the exits from stations and the Railway Police or the Station Master, at the stations where there is no Railway Police, will be responsible for consignments of goods or parcels containing dutiable articles not being removed except by those exits.

8. No duty shall be leviable on goods or parcels until removed from the Railway Stations except in the case of Railway servants (*Vide* para 2 *Supra*). Such duty will be payable at the Customs houses as the goods or parcels are passing out.

9. No duty shall be leviable on any goods arriving at a station where Customs duty is levied which, instead of being delivered at that station, are re-consigned to another station without passing from the Railway premises. This does not affect the levying of Customs duty at the ultimate destination where the goods or parcels will be treated in the same way as if sent direct.

10. Customs duty shall not be levied on unclaimed goods or parcels nor on goods or parcels mis-sent to a Customs station.

The former will be treated in the same way as unclaimed goods generally under the Railway Rules and, except perishables, will be disposed of out of Travancore. Nothing in this Rule shall be taken as prohibiting Travancore Customs Officers from levying duty on such goods on their removal by the purchasers from the Railway premises into Travancore.

11. Passes will be given free of charge at the Customs houses on goods or parcels despatched from one goods-station to another in Travancore. These passes should be sent by the consignors to consignees with the goods or parcels receipt and the goods will be passed free of duty at destination on the authority of such passes.

12. Licensed vendors shall not be allowed to import tobacco under any circumstances.

13. The Railway authorities shall permit the Travancore Customs Officers to make searches and examinations under the Travancore Tobacco Regulation and the Rules and Notifications in respect of tobacco brought and sold in the Travancore stations.

	Frontier Chowkeys.		Frontier Chowkeys.
	Dutiable Articles.		Dutiable Articles.
	Export.		*Export.*
1	Copra	37	Timber—Venga
2	Cocoanuts	38	Do. Thembavu
3	Coir	39	Do. Agil
4	Cables, tarred and untarred	40	Do. Thevatharam
5	Coir fibre	41	Do. Irul
6	Cocoanut husk (green)	42	Do. Venteak
7	Arecanuts without husk	43	Do. Kole teak
8	Do. in husk	44	Do. Elavu
9	Jaggery	45	Do. All other kinds
10	Cocoanut oil	46	Planks of above timber
11	Laurel oil	47	Mangowood planks
12	Lemon grass oil	48	Knees and ribs used in ship building
13	Hides—tanned and untanned, country buffalo	49	Do. Do. for small vessels
		50	Do. Do. for boats
14	Do. cow	51	Bamboos
15	Elk skin	52	Palmyra rafters
16	Goat skin	53	Boats of Anjili
17	Sheep Do.	54	Do. of all other kinds of timber
18	Deer Do.	55	Ponnay masts
19	Kid Do.	56	Logs for catamaran vamboo
20	Squirrel skin	57	All other kinds
21	All other hides or skins	58	Fuel
22	Ginger unscraped Malabar	59	Firewood
23	Dry Ginger	60	Charcoal
24	Fish, prawns	61	Palmyra fibre, raw
25	Tamarind	62	Tea
26	Molasses	63	Dessicated cocoanuts
27	Turmeric (Finger)		
28	Pepper		
29	Opium		
30	Timber—Sandalwood		
31	Do. Ebony		
32	Do. Blackwood		
33	Do. Teak		
34	Do Thambagom		
35	Do. Anjili		
36	Do. Jack		

NOTE.—1. Elephants' tusks and hollows are Government Monopoly and cannot be exported without a rehadary from the Dewan or the Excise Commissioner or the Conservator of Forests.

2. Duty on all kinds of timber has been temporarily abolished. Duty is however levied on mangowood and jackwood planks.

II.

CUSTOMS RULES.—TRIVANDRUM-TINNEVELLY RAILWAY.

(Govt. Notifn. No. S. R. 102, dated 12th January 1918.) (a)

It is hereby notified that, with the concurrence and sanction of the Government of Madras, the Customs Rules issued for the levy of Customs duties, now in force on the Travancore branch of the Tinnevelly-Quilon Railway and published below, are extended and made applicable to the levy of Customs duties on the Quilon-Trivandrum Railway.

2. The names of the Customs houses opened on the Quilon-Trivandrum line are subjoined :—

1. Paravoor	4. Varkala	7. Chirayinkil
2. Mayyanad	5. [Akathumuri] (b)	8. Murukkumpuzha
3. Kappil	6. Kadakkavoor	9. [Kaniapuram] (b)
10. Kazhakoottam	11. Trivandrum.	

QUILON-TINNEVELLY RAILWAY.

(Issued under date the 13th July 1906, as amended up to 1st April 1916.)

[As amended]

The following Rules are issued with the concurrence and sanction of the Government of Madras.

1. Customs Houses have been erected outside the main entrance to the Railway Stations for levying the Travancore export and import duties, and the Railway Police, and the Station Master at the stations where there is no such Police will be responsible for goods, passengers' luggage and parcels not being admitted into or sent out from, such stations except through those gates.

1. Shencottah.
[2. Bhagavathipuram] (c)
3. Tenmala.
4. Ariencavu.
5. Edamon.
6. Punaloor.
7. Kunnicode.
8. Kottarakara.
[9. Ezhukone] (c)
10. Kundara.
[11. Kilikolloor] (c)
12. Quilon.

(a) *T. G. G., dated 15-1-1918, Pt. I, Pp. 133-135.*

(b) These two Customs houses on the Trivandrum-Quilon Railway were opened later as follows :—

Akathumuri (No. 5), under Notification Dis. No. 1109/22/Develpt. dated 14th June 1924.—*T. G. G., dated 17-6-1924, Pt. IV, Excise Dept.*

Kaniapuram (No. 9), under Notification R. Dis. No. 172/25, dated 1st February 1925.—*T. G. G., dated 3-2-1925, Pt. IV, Excise Dept.*

(c) These three Customs houses on the Quilon-Tinnevelly Railway were opened later as follows :—

Bhagavathipuram (No. 2), under Notification No. S. R. 310 dated 5th February 1920.—*T. G. G., dated 10-2-1920, Pt. I, P. 107.*

Ezhukone (No. 9), under Notification R. Dis. No. 2519/Develpt, dated 4th December 1927,—*T. G. G. dated 13-12-1927, Pt. I, P. 203.*

Kilikolloor (No. 11), under Notification dated 26th December 1927.—*T. G. G., dated 3-1-1928, Pt. I, P. 284.*

2. A Customs Official shall be permitted to be present at the Railway Parcels Office or Goods shed to conduct passengers and other owners of goods on which duty is leviable to the Customs house for levying the same from them, and, if necessary, for the examination of parcels and luggage.

3. The way-bills, invoices, receipts and station registers of all goods and parcels traffic, received at stations and of passengers' luggage shall be open during office hours to the inspection of the Travancore Customs Department for the purpose of enabling them to levy duty, or of any Officer of the Travancore Forest Department provided the Forest Officials are in uniform during the time of their inspection, in so far as consignments of Forest produce are concerned.

4. Railway officials residing in Railway premises, or within Railway limits, within the Travancore State, are not exempt from customs dues, but must pay them on any dutiable articles imported or exported by them. A Travancore Customs Officer will be at the station on the arrival and departure of each train to assess and receive the prescribed duty on such articles, in the case of such Railway employês who may find it inconvenient to go to the Customs Office.

Import trade, that is, the carrying in trains of goods bound west of Shencottah Railway Station.

5. (*a*) As ordinary salt cannot be imported into the country exception account of Government, nor opium and ganja except by Government agency, no such salt or opium or ganja shall be allowed to be carried by Railway into Travancore, that is, west of Shencottah Railway Station, by private individuals, and if they are so brought, they will become liable to confiscation by Government.

(*b*) Import duty is leviable on the articles specified in the margin when they are brought into the country.

No.	Name of Article.	Per.	Tariff Valuation.	Rate of duty.
			Rs. As. P.	Rs. As. P.
I.	British Indian Tobacco unmanufactured	Candy	... ...	100 0 0
	Snuff ...	Bottle of 54 tolas.	2 2 0	8 per cent.
	English tobacco used for smoking ...	Pound	3 8 0	Do.
	Cigars whether Indian or otherwise.	Do.	3 8 0	Do.
	Goodak ...	Do.	0 8 0	Do.
	Cigarattes ...	...	*Ad valorem*	Do.
	Beedies * ...	Pound	3 8 0	Do.
	Tobacco Indian or otherwise used for the manufacture of beedies ...	Do.	3 8 0	Do.
	Other kinds of manufactured Indian tobacco	Do.	3 8 0	Do.
II.	Indoopu and table salt ...	Indian maund 82 2/7 lbs of avoirdupois weight	... ...	1 4 0

* Half the weight of the beedies will be treated as tare and duty will be levied on the other half only.

6. No duty shall be leviable on goods or parcels until removed from Railway stations except in the case of Railway servants. (*Vide* Rule 4 *supra*). Such duty will be payable at the Customs house as the goods or parcels are passing out.

7. Persons desirous of selling tobacco, snuff, cigars, etc., on the platforms of Railway stations within Travancore will be permitted to do so on their application through the General Traffic Manager for licenses which will be granted to them by the Travancore Government free of charge. But the tobacco, snuff, cigars, etc., thus sold must be such as have already paid duty to the Travancore Government.

Licensed vendors shall not be allowed to import tobacco, etc, under any circumstances, and it will be made a condition of the agreement which they execute with the Railway authorities that they shall pay duty on all dutiable articles whether imported or exported.

8. The Railway authorities shall permit the Officers of the Travancore Government to make searches and examinations under the Travancore Tobacco Regulation, Rules and Notifications, in respect of tobacco brought and sold in Travancore stations.

Export trade, that is, the carrying of goods in trains bound to, or to the east of, Shencottah Railway Station.

9. Elephant tusks and hollows, being Government monopoly, cannot be exported without a permit from the Dewan, the Conservator of Forests, or the Excise Commissioner and shall not therefore be booked for export at Railway stations without such permit.

10. Export duty is leviable on the articles mentioned in the list hereto appended and on such other articles as may, from time to time, be included in the Travancore Export Tariff, when they are booked from any Railway station to the west of Shencottah, either for the Shencottah Railway Station or for any station to the east of it. In regard to goods booked for the Shencottah Railway Station, the export duty levied will be refunded by the Officer in charge of the Sirkar Chowkey at the place of export on production of a certificate granted by the Officer in charge of the Sirkar Chowkey at Shencottah, showing that the articles were re-imported through the latter into Travancore territory, provided that such certificate is produced within 15 days from the date of export.

11. If there are dutiable exports among the goods and if they are intended to be carried to or beyond the Shencottah Railway Station, their quantities shall be ascertained by weighing, measuring or counting as the case may be, and the prescribed duty thereon shall be paid to the Customs Officer. A *ravanah* will then be

issued to the owner or his agent giving the names and quantities of the goods on which duty has been levied and declaring that the other goods are not liable to duty.

If there are no dutiable exports, a pass to that effect will be issued.

12. Passes will be given free of charge at the Customs house on goods or parcels despatched from one goods' station to another in Travancore, except the Railway Station at Shencottah. These passes should be sent by the consignors to consignees with the goods or parcels receipt and the goods will be passed free of duty at destination on the authority of such passes.

13. Goods mentioned in Rule 12 may, however, on arrival at the station of first destination be re-consigned to stations beyond, but the owner shall give immediate intimation of the fact to the Customs house there. If he re-consigns them to the Shencottah Railway Station or to a place beyond that station, he shall at once pay the duty and obtain a *ravanah* as laid down in Rule 11 and until such *ravanah* is produced the Railway Officers of the station of first destination shall not allow such goods to be carried further.

14. Customs duty shall not be levied on unclaimed goods or parcels nor on goods or parcels mis-sent to a Customs station.

The former will be treated in the same way as unclaimed goods generally under the Railway Rules.

When dutiable exports covered by free passes as mentioned in Rule 12 become unclaimed and are carried outside the country for final disposal, the Railway authorities shall pay to the Travancore Customs the duty on them or shall undertake to recover such duty from the owner or auction-purchaser who clears them from the unclaimed goods or Lost Property Office at Trichinopoly.

LIST OF DUTIABLE ARTICLES.

(Referred to in Rule 10) *

1. Copra
2. Cocoanuts
3. Coir
4. Cables, tarred and untarred
5. Coir fibre
6. Cocoanut husk (green)
7. Punnac
8. Arecanuts without husk
9. Do. in husk
10. Jaggery
11. Palmyra fibre-raw
12. Cocoanut oil
13. Laurel oil
14. Lemon grass oil

* For dutiable articles in force for the time being, see also the annual English Almanac.

15. Hides, tanned and untanned, country buffalo
16. Do. Do. cow
17. Elk skin
18. Goat skin
19. Sheep skin
20. Deer skin
21. Kid skin
22. Squirrel skin
23. All other hides or skins
24. Ginger unscraped, Malabar
25. Dry ginger
26. Fish, prawns
27. Fish, other sorts
28. Tamarind
29. Molasses
30. Turmeric (Finger)
31. Pepper
32. Opium
33. Timber—Sandalwood
34. Do. Ebony
35. Do. Blackwood
36. Do. Teak
37. Do. Thambagom
38. Do. Anjili
39. Do. Jack
40. Do. Venga
41. Timber—Thembavu
42. Do. Agil
43. Do. Irul
44. Do. Thevatharam
45. Do. Venteak
46. Do. Elavu
47. Do. All other kinds
48. Planks of above timber
49. Mango wood planks
50. Knees and ribs used in ship building
51. Do. Do. for small vessels
52. Do. Do. for boats
53. Bamboos
54. Palmyra rafters
55. Boats of Anjili
56. Do. of all other kinds of timber
57. Poonay masts
58. Logs for catamaran Vamboo
59. Do. all other kinds
60. Fuel
61. Tea
62. Palmyra fibre, raw
63. Firewood
64. Charcoal
65. Dessicated cocoanuts.

NOTE.— 1. Elephants' tusks and hollows are Government Monopoly and cannot be exported without a rahadari from the Dewan or the Excise Commissioner or the Conservator of Forests.

2. Duty on all kinds of timber has been temporarily abolished. Duty is however levied on mangowood and jackwood planks.

III.

VEND OF TOBACCO ON RAILWAY PLATFORMS.

(Govt. Notifn. dated 1st September 1903.)

In continuation of the Rules passed under Section 5-A of Regulation VIII of 1063, as amended by Regulation II of 1076, it is hereby notified that vendors of tobacco on Railway platforms are required to take out licenses for such sale, whatever may be the quantity they hold for sale.—

T. G. G., dated 8-9-1903, Pt. I, P. 694.

IV.

ESTABLISHMENT OF CHOWKEYS IN SHENCOTTAH.

(Govt. Notifn. No. S. R. 6419, dated 16th September 1909.)

It is hereby notified under sanction of His Highness the Maha Raja that four additional Chowkeys will be established in the following stations in the Shencottah Taluk, *viz.*, Poolanoudiyirippu, Elathur, Ayicudi and Samburvadakara tentatively for one year with effect from the 1st Thulam 1085 and that the subjoined Rules are prescribed for affording convenience to the inhabitants of that Taluk who have to take articles subject to Customs duty from one part of the Taluk to another through intervening British territory.

(1) Persons desirous of taking articles subject to Customs duty from one part of Shencottah to another through intervening British territory shall deposit in the Chowkey nearest to the place of export the full amount of the duty payable on the articles.

(2) The amount so deposited will be kept as anamath until the same is refunded or credited to Government.

(3) The Officer in charge of the Chowkey in which the money is deposited will grant a certificate to the exporter giving a full description of the article, the quantity exported and the amount deposited on account of duty.

(4) The certificate so granted shall be produced before the Officer in charge of the Chowkey nearest to the place of import; and such Officer shall, after satisfying himself as to the identity of the article, make an entry in the certificate stating that the identical articles have been imported and return the document to the holder thereof.

(5) The certificate returned under rule 4 shall be produced before the Officer in charge of the Chowkey through which the article was exported within 48 hours from the time of export and such Officer shall examine the certificate and refund the amount deposited by the exporter.

(6) In case the depositor fails to produce the certificate as required by Clause 5 *supra*, he will forfeit all claim to the refund of his deposit which will then be credited to Government under Customs receipts.—

T. G. G., dated 21-9-1909, Pt. I, P. 1528.

[The four Chowkeys established as per above Notification were made permanent as per Notifn. No. S. R. 6600 dated 7th December 1910.—

T. G. G., dated 13-12-1910, Pt. I, P. 1876.]

APPENDIX I.

V.

A. RULES re. RE-IMPORT AND RE-EXPORT OF GOODS.

(Govt. Notifn. No. S. R. 2395, dated 22nd October 1912.) (a)

[As amended.]

Under sanction of His Highness the Maha Raja, the following revised Rules are passed for regulating the export of goods once imported into, and the import of goods once exported from, Travancore, permitted under para 2 of the Proceedings of the Government, No. S. R. 5321, dated the 26th September 1910, as modified by the Proceedings of the Government, No S. R. 2126, dated the 6th September 1912.

These Rules shall apply only to the Customs houses mentioned below :—

The Arukutty Customs house.

The Sea Customs houses at Alleppey, Quilon, Trivandrum and Colachel.

The Railway Customs house at Quilon, and the Aramboly Customs house.

A.—*The Export of goods which had been previously Imported.*

1. The owner of the goods should, at the time of the import, make a declaration, in such form as the Excise Commissioner may prescribe, and present the same to the Officer in charge of the Customs house through which the goods are imported, for the grant of a certificate to enable him to export the goods free of duty, later on, through one of the Customs houses mentioned above.

2. On receipt of such declaration and on production of the goods mentioned therein, the Officer in charge of the Customs house through which the import is made shall weigh the entire consignment and enter in a register, to be specially kept for the purpose, the results of the weighment, the description of the goods, the number of packages, the name of the importer, the date of the import and the Customs house through which the goods are intended later on to be exported.

3. The Officer in charge of the Customs house through which the import is made shall grant a certificate to the importer, in such form as may be prescribed by the Excise Commissioner. The certificate so granted shall be in force only for a period of six months from the date of issue.

4. The Officer in charge of the Customs house through which the import is made shall forward the duplicate of the certificate to the Officer in charge of the Customs house through which the goods are intended to be exported, while the original declaration made by the owner of the goods at the time of the import shall be sent to the Officer in charge of the Circle into which the import is made.

5. The owner of the goods shall present to the Officer in charge of the Customs house through which the goods are to be exported, the original certificate granted by the Officer in charge of the Customs house of import. On receipt of

(a) *T. G. G., dated 29-10-1912, Pt. I, Pp. 2023-2024.*

such certificate, and on production of the goods, the former Officer shall satisfy himself that the goods produced for export are equal in weight or number to those described in the duplicate certificate received from the Officer in charge of the Customs house of import, and that the property in the goods has continued with the person by whom or on whose account they had been imported.

[Provided that the exporter shall give a written guarantee to the Officer in charge of the Customs through which the goods are exported that they are identical in quality and kind with the goods previously imported.] (a)

6. The Officer in charge of the Customs house of export shall then re-weigh the entire consignment and enter the results of such re-weighment in a register kept for the purpose. If no difference is observed between the results of the original weighment as given in the duplicate certificate and the results of the re-weighment, the goods shall be passed free of duty.

7. All cases in which there are reasonable grounds for doubting the continuity of the ownership in the goods shall be reported for the orders of the Officer in charge of the Circle.

8. In cases where the results of the original weighment and the re-weighment show any difference, the Officer in charge of the Customs house of export shall adopt the following procedure :—

(a) If the re-weighment shows an increase, not exceeding 10% of the original weight, the quantity found in excess shall be assessed to duty and passed, while the quantity which is equivalent to the original weight shall be passed free of duty.

(b) If the re-weighment shows a decrease, not exceeding 10% of the original weight, the goods shall be passed free of duty.

(c) In all other cases, the goods shall be detained and the fact reported for the orders of the Officer in charge of the Circle.

9. Whenever goods are passed under Rule 6, or under Clause (a) or (b) of Rule 8, the Officer in charge of the Customs house of export, passing the goods, shall forward the original certificate delivered by the owner of the goods, after entering therein the quantity passed free of duty and the quantity assessed to duty, if any, to the Officer in charge of the Customs house through which the import had been made. The latter Officer shall, on receipt of the certificate, affix it to its counterfoil.

10. In cases where the goods are intended to be exported through the Customs house through which they had been previously imported, the Officer in charge of the Customs house shall forward to the Officer in charge of the Circle the

(a) Added by Govt. Notifn. R. Dis. 841 of 1923/Develpt., dated 12th May 1923.— *T. G. G., dated 22-5-1923, Pt. IV, Excise Dept., P. 596.*

declaration made by the owner of the goods as well as the duplicate of the certificate granted to him. On production of the goods and of the original certificate at the time of the export, the Officer in charge of the Customs house shall act in accordance with Rules, 5, 6, 7, 8 & 9, in so far as they are applicable to him.

B.—*The Import of goods which had been previously Exported.*

1. The concession granted in regard to the refund of seven-eighths of the export duty levied on goods previously exported, and brought back into Travancore within six months from the date of the original exportation, shall apply only to cases where the export and the import take place through the same Customs house.

2. Owners of goods who import them into Travancore within six months from the date of their previous export, and who claim the refund of seven-eighths of the export duty levied at the time of the original exportation, shall produce with the goods an application for such refund, together with the original receipts granted to them in respect of the levy of such duty.

3. The Officer in charge of the Customs house before whom the goods and the receipts are produced shall satisfy himself that the goods are equal in weight or number to those described in such receipts and that the property in them has continued with the person by whom or on whose account the goods had been previously exported.

[Provided that the importer shall give a written guarantee to the Officer in charge of the Customs through which the goods are imported that they are identical in quality and kind with the goods previously exported.] (a)

4. He shall then weigh the entire consignment, and after comparing the results with the original receipt produced by the owner of the goods as well as with the entries in the Nalvazhi made on the date of export, he shall forward a report to the Officer in charge of the Circle.

5. On receipt of such report, the Officer in charge of the Circle shall, after satisfying himself as to the weight or number of the goods and the continuity of the property in them, report the case, with his opinion thereon, for the Orders of the Excise Commissioner Such report shall be accompanied by

(a) the original receipt produced by the owner of the goods, and
(b) the duplicate receipt, the original and the duplicate manifests, as well as the copy of the Nalvazhi received and recorded in his office soon after the original export.

6. On receipt of such report from the Officer in charge of the circle, the Excise Commissioner shall, in case he is satisfied that the refund is allowable, order such refund.

(a) Added by Govt. Notifn. R. Dis. 841 of 1923/Develpt., dated 12th May 1923.—*T. G. G., dated 22-5-1923, Pt. IV, Excise Dept., P. 597.*

V. Re-import and Re-export of Goods.

B. G. O'S REFERRED TO IN THE RULES.

(1) Proceedings of the Government of His Highness the Maha Raja of Travancore.

Read again :—

G. O. No. S. R. 7653, dated 13th September 1908.

Read also :—

* * * *

In G. O. No. 7653 S. R., dated 13th September 1908, His Highness' Government appointed a Committee to enquire into the conditions of trade in the Ports of Quilon and Alleppey. The Committee were asked to submit a report giving the results of their enquiry and suggesting measures for ensuring the expansion of the trade of the two sea-port Towns and also for the development of the traffic on the Shencottah-Quilon Railway. Two questions were also specially referred to the Committee, namely, whether any export duty should be levied on goods, which had originally been imported into the State, when such goods were exported from the State by land or by sea, and secondly, whether the export duty levied on goods, at the time of their export by land or by backwater, should be refunded if the goods were imported back into the State.

2. The Committee originally consisted of the Chief Engineer, the Excise Commissioner, and Messrs. E. C. Chisholm and G. H. Davey, as representing the Ports of Quilon and Alleppey respectively. Subsequently, Mr. Chisholm's place was taken by Mr. Cameron.

3. The report of the Committee has been submitted by the Chief Engineer with his letter dated 12th February 1910, No. 247. The report is unanimous and has been signed by all the four members of the Committee.

4. In regard to the Port of Alleppey, the Committee point out that a large volume of Travancore produce is finding its outlet through British Cochin, instead of through the Sirkar Port of Alleppey. In the opinion of the Committee, this must have been due to a great extent to the condition of the (old) Alleppey pier. The Committee express the hope that, with the completion of the new pier, a substantial portion of the trade diverted from Alleppey would return to it. The Committee however find that a great deal has yet to be done to cheapen the cost of the landing and shipping of goods at Alleppey, so as to enable that Port to compete on equal terms with Cochin. The Committee specifically recommended the following works in regard to the Alleppey Port, firstly, the deepening and thorough repair of the Commercial Canal and provision of a boat-basin at its western end, and additional boat-basin, the improvement of the West Junction Canal, a tramway line from the boat-basin of the Commercial Canal to the new pier and the provision of cranes, etc., for the boat-basins, the construction of a new Customs house, and the construction of an extra closed godown. The Committee anticipate that all these works would cost about three lacs of rupees.

5. In regard to the Port of Quilon, the Committee are of opinion that its trade facilities could be improved by the construction of a permanent tiled godown, a jetty 150 feet long, with provision for a 5 ton crane, and a tram line from the jetty to the Railway as well as to the canal. In view, however, of the heavy cost involved, the Committee are of opinion that the question of constructing a tramway line may be deferred and that for the present, the construction of the jetty and the godown would suffice. These two works are estimated to cost about Rs. 60,000.

6. In regard to the development of the traffic on the Quilon Railway, the Committee recommend that the Railway Company should be approached to grant favourable rates for *manufactured* goods, so as to encourage the working up of raw material within the State, that a toll should be levied at Arienkavu on carts using the Ghat Road, that as the existing time-table of the Railway is very unfavourable for the expansion of the passenger traffic, the Railway Company should be approached for a revision of that time-table, and lastly, that a policy of disafforesting the areas on either side of the Railway line, between Punalur and the Arienkavu pass, should be deliberately adopted and carried out, so as to bring about the extension of cultivation and the springing up of villages on either side.

7. In regard to the export tariff, the Committee point out that it is now operating harshly on local manufactures, as in several cases the duty on the manufactured article is more than that on the raw article, for example, cable and worked-up timber. The Committee further recommend that the export duty on goods, which had originally been imported, should be wholly abolished, whether such goods are exported by land or by sea, that should copra be imported from British India or from the Cochin State, for the purpose of being manufactured into oil and punnac, the latter (the oil and punnac) should be exempted from the payment of the export duty (to the extent to which they had been manufactured from the imported copra) and thirdly, that such of the items in the export tariff as yield an insignificant revenue to Government should be removed from the list.

8. The Committee have also dealt with the backwater communication generally between Trivandrum and Alleppey, and the Leepuram Bay in South Travancore. In regard to the former, the Committee are of opinion that the canals and backwaters between Trivandrum and Alleppey should be deepened and improved, so as to facilitate more rapid communication to the Ports and to the Railway line and so as to allow of steam-boat traffic and the passage of the larger cargo boats at all times of the year. The Committee also recommend that Regulation I of 1084, the Public Canals and Ferries Regulation, should be at once brought into operation and applied to the entire system of water communication between Trivandrum and Parur North, the registration of all vessels plying for hire on the back-waters and canals being enforced and the regulation of traffic also placed on an efficient footing. In regard to the Leepuram Bay, the Committee recommend that it should be surveyed and a proper chart drawn up as, without it, shipping could not safely be done in the Bay. The Committee are of opinion that, if that were done, it would benefit the trade of South Travancore.

9. The Committee also refer to the question of fisheries, and they recommend that this question should be taken up by Government for consideration as, in their opinion, the development of the fishing industry would greatly result in increasing the trade of the country.

ORDER THEREON, No. S. R. 5221, Dated Trivandrum, 26th September 1910.

His Highness' Government have given their careful consideration to the report and the recommendations of the Committee. Those recommendations appear to be, on the whole, reasonable, and to be the result of consideration and thought. His Highness' Government thank the Committee for the report that they have sent up.

2. In regard to the question of the export tariff, Government note that there was at one time a practice under which, if non-Travancore produce came into

the country, some receipt, certificate or pass was given to it, so that, in case it went out again, it might not be made to pay the export duty. The practice must have grown up as the result of the recognition that, without some such provision, trade would be hampered. The practice was given up four years ago. His Highness' Government, however, on re-consideration, recognise that the export tariff cannot be made to apply to goods, *other than the produce of Travancore, which come in solely for the purpose of export*, or in other words, which want to use a Travancore Port or route for the purpose of leaving India. Government therefore are pleased to direct that all goods, capable of being easily identified, imported into Travancore on or after the 1st Thulam 1086, should, if they are exported again, be not liable to the export duty, whether exported by land, by sea, by rail or by backwater. This exemption from duty will be subject to the conditions that the exportation takes place within one year after the previous importation, and that it is proved to the satisfaction of the Excise Commissioner (Controlling Officer of Customs) that the property in the goods has continued with the person by whom or on whose account they were imported. His Highness' Government are further pleased to direct that, where goods, capable of being easily identified, which had been exported from Travancore and upon which duties had been levied on such exportation, come back into the country, seven-eighths of the export duty shall be refunded, provided that the import is made within one year from the date of the original exportation, and provided also that it is proved to the satisfaction of the Excise Commissioner (Controlling Officer of Customs) that the property in the goods has continued with the person by whom or on whose account they were exported. These orders will apply to *all* exports and imports, whether by sea, by land, by rail, or by backwater.

3. Government note that the Committee go further and recommend that, where oil and punnac are manufactured from copra imported from outside Travancore, and such oil and punnac are exported, they should not be liable to the export duty. Government have some doubt whether in *practice* it would be possible to work a Rule like that. An attempt may however be made to work the suggestion, *tentatively*, for a definite period, say, up to the end of 1088. Government therefore direct that, where *oil and punnac* are *manufactured* from *copra, imported from outside Travancore on or after the 1st Vrischigom 1086*, and such *oil and punnac* have to be exported, they shall be exempted from the payment of the export duty, provided that the property in the oil and punnac continues in the person by whom or on whose account the copra was imported, and provided also that the oil and punnac are exported through a seaport in Travancore or through the Quilon Railway, within a period of one year from the importation of the copra. The Excise Commissioner should submit a special report on the working of this concession in Meenam 1088.

4. In regard to the proposal of the Committee that the existing export tariff may, with advantage, be revised, by removing such of the items as yield an

insignificant revenue, the Excise Commissioner is requested to submit a list of the items whose average revenue during the triennial period ending 1085 did not exceed Rs. 5,000 per annum.

5. As regards the question of the improvements to the Port of Alleppey, Government have passed orders separately, regarding the management of the new pier, the improvement of the Commercial Canal, the provisions of boat-basins, the construction of a new Customs house and Port office, the provision of additional go-down accommodation and the improvement of the West Junction Canal.

6. Coming next to the Port of Quilon, Government have already called for an estimate for a permanent tiled godown at that port. Without further information, Government are unable to accept the proposal for the construction either of a jetty 150 feet long or of a tram line from that jetty to the Railway as well as to the canal. The Excise Commissioner is requested to report what is the present volume of the trade of Quilon, so that Government may see if that trade would justify the expenditure recommended by the Committee.

7. In regard to the development of the traffic on the Railway, the Railway Company will be addressed about the suggestion to give favourable rates for manufactured goods and also for improving the time-table.

8. With reference to the proposed toll on the Shencottah Ghat Road, Government are unable to accept the suggestion.

9. The suggestion of the Committee in regard to the disafforestation of lands on either side of the Railway, between Punalur and Arienkavu, excepting the Teak Plantations, will be referred to the Conservator of Forests for an early expression of his opinion.

10. The question of the backwater communication between Trivandrum and Alleppey may be taken up after the works sanctioned for the Alleppey and Quilon Ports are finished, or at any rate are well in hand. Action will however be taken at once, under Regulation I of 1084, to bring the entire canal system between Trivandrum and Parur North under control, so that the examination and registration of vessels plying for hire may be enforced, as also the regulation of traffic.

11. The development of fisheries is a wide question. Government recognise its importance. In view, however, to the large number of other matters on hand, Government consider that this question may lie over for the present.

12. It appears to be necessary to arrange for the survey of the Leepuram Bay near the Cape and for the preparation of a proper chart. Action will be taken separately in regard to this.—

T. G. G., dated 11-10-1910, Excise Dept., Pp. 255-258.

V. Re-import and Re-export of Goods.

(2) Proceedings of the Government of His Highness the Maha Raja of Travancore.

Read again :—

(1) G. O. No. S. R. 5221, dated the 26th September 1910.

(2) G. O. No. S. R. 1920, dated the 16th April 1911.

Read also :—

(3) Letter dated the 28th October 1911, from Messrs. Darragh Smail & Co., Alleppey.

(4) Letter No. 15272/C. 1597, dated the 8th July 1912, from the Excise Commissioner.

(5) The representation made by Mr.........Member, Alleppey Trading Classes, at the Eighth Session of the Assembly.

(6) Letter No. 17160/C. 1767, dated the 9th August 1912, from the Excise Commissioner.

In para 2 of their first order read above, the Government directed that all goods, imported into Travancore on or after the 1st Thulam 1086, should, if they were exported again within one year, be exempt from payment of export duty, whether exported by land, by sea, by rail or by backwater; and that when goods, which had been exported from Travancore and upon which duties had been levied on such exportation, came back into the country within one year, by whatever route seven-eighths of the export duty should be refunded; provided that, in both cases, the goods were capable of being easily identified and it was proved to the satisfaction of the Excise Commissioner that the property in the goods had continued with the person by whom or on whose account they had been imported or exported, as the case might be. In their second order, the Government passed a set of Rules for the proper working of the concessions referred to above.

2. Messrs Darragh Smail & Co., Alleppey, having, in their letter read above, brought to the notice of the Government that practical difficulty was experienced in working the Rules, because of the expression "capable of being easily identified" occurring in the Rules, the Excise Commissioner was asked to report on the subject. In his letter dated the 8th July 1912, the Excise Commissioner reports that the condition regarding the identification of goods has practically deprived merchants of the advantages which the Government must have intended to give them, as it is not possible for an Officer in charge of a Customs house to satisfy himself absolutely as to the identity of the goods. The Excise Commissioner recommends therefore that the restriction be removed. He also states that the maximum time-limit prescribed for the re-exportation or the re-importation of goods is far too long, quite out of proportion to actual requirements, and he proposes that the period should be reduced from one year to three months.

3. At the Eighth Session of the Assembly, Mr.......Member, Alleppey Trading Classes, said that, under the present Rules, when goods were imported into the State, the importer alone could export the articles free of duty, and not any other person into whose hands the goods might have passed in the course of trade. The Member prayed that a ruling be passed to remove this disability. The Excise Commissioner, whose report was called for on this point, is of opinion that the condition regarding continued ownership is essential for the carrying out of the concessions and that it should not be dropped.

ORDER THEREON, No. S. R. 2126, Dated Trivandrum, 6th September 1912.

The Government agree with the Excise Commissioner in thinking that the condition regarding the identification of goods in the Rules hampers trade, and they therefore sanction his proposal to remove the condition from the Rules. The time-limit allowed for the re-exportation or the re-importation of goods may be reduced from one year to six months. The condition regarding the ownership of the goods must be retained.

2. The Excise Commissioner should submit, for approval and publication in the Gazette, revised draft Rules agreeably to these orders.—

T. G. G., dated 24-9-1912, Pt. I, P. 1871.

VI.

RULES re. TRANSPORT OF DUTIABLE ARTICLES PAST THE ARUKUTTY CHOWKEY.

(Govt. Notifn. No. S. R. 3491, dated 8th December 1909.)

It is hereby notified, under sanction of His Highness the Maha Raja, that the sub-joined Rules are prescribed for affording convenience for the transport of articles subject to Customs duty from one part of Travancore territory to another, past the Arukutty Chowkey, with effect from 1st Dhanu 1085.

(1) Persons desirous of taking articles subject to Customs duty from one part of Travancore territory to another, past the Arukutty Chowkey, shall deposit in the Arukutty Chowkey the full amount of the duty payable on the articles.

(2) The amount so deposited shall be kept as *anamath* until the same is refunded or credited to Government.

(3) The Officer in charge of the Arukutty Chowkey will grant to the transporter a certificate giving a full description of the article, the quantity transported, its destination and the amount deposited on account of duty.

(4) The certificate so granted and the article transported shall be produced within twelve hours before the Preventive Petty Officer having jurisdiction at the place of destination and such Officer shall, after satisfying himself as to the identity of the articles, make an entry in the certificate that the identical articles have been transported to their destination and return the document to the holder thereof.

(5) The certificate returned under Rule 4 shall be produced before the Officer in charge of the Arukutty Chowkey within 24 hours from the time of issue and he shall examine the certificate and refund the amount deposited by the transporter.

(6) In case the depositor fails to produce the certificate within 12 hours before the Preventive Petty Officer as required by Clause 4 or within 24 hours before the Officer in charge of the Arukutty Chowkey as required by Clause 5, he will forfeit all claim to the refund of the deposit which will then be credited to Government under Customs receipts.— *T. G. G., dated 28-12-1909, Pt. I, P. 2323.*

VII.

(1) RULES FOR THE LEVY OF CUSTOMS DUTY AT THE ARUKUTTY FRONTIER ON GOODS CARRIED BY PASSENGERS IN STEAM LAUNCHES.

(Dated the 29th August 1908 corresponding to the 14th Chingom 1084.) (a)

1. All steam launches entering or leaving Travancore territory through the Arukutty frontier shall anchor for about 30 minutes close to the shore in front of the Kottapuram Preventive station.

2. Prior to the arrival of the steam launch off Kottapuram, the master in charge of the launch shall cause the passengers to have their boxes, bundles, packages, &c., ready for the inspection of the Excise Officers on duty.

3. At Kottapuram, the Excise Officers on duty will board the launch for examining baggage and levying duty.

4. In the case of baggage belonging to respectable passengers, the Senior Excise Officer on duty may, if he thinks fit, pass without formal search such packages as are declared by the owner to contain nothing dutiable. But no passenger can claim this procedure as a matter of right.

5 Passengers are allowed to carry *free*, for immediate personal use:—

[(1)	Salt	... ...	not exceeding ¼ seer.	
(2)	Cigars	... ...	Do.	24 in number.
(3)	Cigarettes	... ...	Do.	Do.
(4)	Tobacco (unmanufactured)		Do.	2 tola weight.
(5)	Snuff	... ...	Do.	½ tola weight.
(6)	Foreign liquor	...	Do.	1 quart.
(7)	Country liquor { Arrack		Do.	⅛ Imperial gallon.
	{ Toddy		Do.	½ Do.
(8)	Opium or ganja	...	Do.	1 tola weight.] (b)

(a) *T. G. G., dated 1-9-1908, Pt. I, P. 1182.*

(b) Revised by Notification No. S. R. 360 dated 8th February 1918.— *T. G. G., dated 12-2-1918, Pt. I, P. 238.*

6. Passengers shall not be allowed to carry with them *any* salt, opium or ganja except as provided for in the preceding Rule; nor shall they have in their possession, without a valid permit, any arms, ammunition, military stores or liquor exceeding one quart.

7. Duty will be levied *on board the launch*, only on the following goods, provided that the quantity carried by each passenger does not exceed the limit shown against each article :—

Imports.

Cigars	...	...	5 lbs.
Cigarettes	...	...	5 Do.
Beedi	...	...	5 Do.
Goodak	...	...	5 Do.
Snuff	...	...	1 bottle of 54 tolas.

Exports.

Cocoanuts	...	...	5 in number.
Arecanut without husk		...	2 lbs.
Do. with husk		...	2 Do.
Jaggery	...	...	2 Do.
Coffee	...	...	2 Do.
Molasses	...	...	2 Do.
Tamarind	...	...	2 Do.
Pepper	...	...	2 Do.
Turmeric	...	...	2 Do.

8. In the case of all goods, which exceed the limits prescribed in Rule 7, and in the case of all dutiable articles other than those described in the said Rule, the duty chargeable on them shall be paid *at the Customs house at Arukutty*, and the goods shall not be passed unless and until such duty is paid. Such goods will be seized by, or at the instance of, the Senior Excise Officer on duty and delivered to the Officer in charge of the Chowkey, who will deal with them under the Customs Rules.

9. The owner of any goods seized under Rule 8 shall be at liberty to accompany the seizing Officer to the Customs house, but on no account can he be compelled to do so.

10. The Officer levying duty *on board the launch* shall grant the usual customs receipts for all amounts received by him at once.

11. Officers who have to conduct searches and levy duty under these Rules are particularly enjoined to conduct such searches and levy such duty without causing unnecessary inconvenience to passengers. Any discourtesy on their part will be seriously noticed.

(2) LEVY OF DUTY DURING NIGHTS AT ARUKUTTY AND ARAMBOLY CHOWKEYS.

(Govt. Notifn. No. S. R. 91, dated 8th January 1909.)

It is hereby notified, with the sanction of His Highness the Maha Raja, that in future, duty will be levied during nights on dutiable articles carried through the Chowkeys of Arukutty and Aramboly by *bona fide* travellers for their immediate personal consumption.— *T. G. G., dated 12-1-1909, Pt. I, P. 34.*

---

(3) LEVY OF DUTY DURING NIGHTS AT TRIVANDRUM, QUILON AND SHENCOTTAH RAILWAY CUSTOMS HOUSES.

(Govt. Notifn., No. S R 4637, dated 20th December 1920.)

Under Section 16 of the Land Customs Regulation, II of 1091, it is hereby notified, with the sanction of His Highness the Maha Raja, that, in future, duty will be levied during nights on dutiable articles carried through the Railway Customs houses at Trivandrum, Quilon and Shencottah by *bona fide* travellers for their immediate personal consumption.—

T. G. G., dated 28-12-1920, Pt. IV, Excise Dept., P. 363.

VIII.

EXCISE DIVISIONS AND RANGES.

(Govt. Notifn. R. Dis. No 2180/22/Develpt., dated 15th October 1922.) (a).

[As amended.]

It is hereby notified, under sanction of His Highness the Maha Raja, that the local areas described in column 3 of the annexed Schedule are constituted as "Divisions" and those described in column 6 thereof are constituted as "Ranges" for purposes of the Abkari Regulation, IV of 1073, and the Rules passed thereunder, the Tobacco Regulation, I of 1087, and the Rules passed thereunder, the Opium Regulation, IV of 1090, and the Rules passed thereunder, the Sea Customs Regulation, V of 1088, and the Rules passed thereunder, the Land Customs Regulation, II of 1091, and the Rules passed thereunder and the Salt Regulation, III of 1088 and the Rules passed thereunder.

2. This Notification will come into force on the 1st Thulam 1098 and, with effect from that date, Notification No. S. R 199 dated 28th January 1918, published at pages 71-77 of the Excise sheet of the Government Gazette dated 5th February 1918 and Notification No. S. R. 454 dated 27th February 1920, published at

(a) *T. G. G., dated 24-10-1922, Pt. IV, Excise Dept., Pp. 370-378.*
The local areas of the various Taluks have since been modified and adjusted.

pages 203–208 of Part I of the Government Gazette dated 2nd March 1920, will be cancelled.

3. As regards matters governed by the Salt Regulation, III of 1088, and the Rules passed thereunder, the Assistant Excise Commissioners and the Range Inspectors of the Nagercoil and Trivandrum Divisions will have no jurisdiction in the area comprised in the Salt Factories.

N. B.—The local areas of the various Taluks mentioned in the annexed schedule are those prescribed for them in Appendix A to G. O., R. Dis. No. 1039/22/Judicial, dated 2/8th May 1922, published in the Land Revenue sheet of the Government Gazette dated 30th May 1922/17th Edavom 1097.

Excise Divisions and Ranges

Serial No.	Names of Divisions.	Local area of Divisions.	Head quarters of Divisions.	Names of Ranges comprised in the Divisions.	Local area of Ranges.	Head quarters of Ranges.	Remarks.
1	2	3	4	5	6	7	8
1	Nagercoil	The Taluks of—Thovala, Agastisvaram [and Kalkulam	Nagercoil	1 Nagercoil	The Taluks of Thovala and Agastisvaram	Nagercoil	
				2 Kalkulam	The Taluk of Kalkulam	Eraniel] (a)	
2	Trivandrum	The Taluks of—Vilavancode	Trivandrum	1 Vilavancode	" Vilavancode	Thoduvetti	
		Neyyattinkara		2 Neyyattinkara	" Neyyattinkara	Neyyattinkara	
		Trivandrum		3 Trivandrum	" Trivandrum	Trivandrum	
		Nedumangad and		4 Nedumangad	" Nedumangad	Nedumangad	
		Chirayinkil		5 Chirayinkil	" Chirayinkil	Chirayinkil	
3	Quilon	The Taluks of—Quilon	Quilon	1 Quilon	" Quilon	Quilon	
		Kottarakara		2 Kottarakara	" Kottarakara	Kottarakara	
		Pathanapuram		3 Pathanapuram	" Pathanapuram	Punalur	
		Shencottah and		4 Shencottah	" Shencottah	Shencottah	
		Kunnathur		5 Kunnathur	" Kunnathur	Parakode	
4	Kayamkulam	The Taluks of—Karunagapalli	[Mavelikara] (b)	1 Krrunagapalli	" Karunagapalli	Karunagapalli	
		Karthigapalli		2 Karthigapalli	" Karthigapalli	Haripad	
		Mavelikara		3 Mavelikara	" Mavelikara	Mavelikara	
		Thiruvalla and Pathanamthitta		4 Thiruvalla	The following twelve Pakuthis of the Thiruvalla Taluk— 1 Kizhakkebhagam 2 Kadappira 3 Nedumpuram 4 Perunkur 5 Kavumbhagam 6 Thiruvalla 7 Iraviperur 8 Kaviyur 9 Ezhumattur 10 Kalloopara. 11 Mannar and 12 Kurattisseri	Thiruvalla	

(a) The Taluk of Kalkulam was transferred from Trivandrum to Nagercoil Division by Govt. Notifn. R. Dis. No. 587, dated 10th April 1923, with effect from 1st Medom 1098.—*T. G. G., dated 1-5-1923. Pt. IV, Excise Dept., P. 569.*

The Head quarters of the Kalkulam Range was Thackalay. It has been tentatively transferred to Eraniel, as per Notice R. O. C. No. 2315 dated 2nd April 1927.—*T. G. G., dated 12-4-1927, Pt. I, P. 577.*

(b) Substituted for "Kayankulam" by Govt. Notifn. R. Dis. No. 1392 / Develpt., dated 8th August 1925.—*T. G. G., dated 18-8-1925, Pt. IV, Excise Dept., P. 2.*

Serial No.	Names of Divisions.	Local area of Divisions.	Head quarters of Divisions	Names of Ranges comprised in the Divisions.	Local area of Ranges.	Head quarters of Ranges.	Remarks.
1	2	3	4	5	6	7	8
4	Kayamkulam (*concld.*)	The Taluks of—Karunagapalli, Karthigapalli, Mavelikara, Thiruvalla and Pathanamthitta. (*concld.*)	Kayamkulam	5 Chengannur	The following ten Pakuthis of the Thiruvalla Taluk— 1 Thiruvanmandur 2 Puthenkav 3 Vadakkekara 4 Pandanadu 5 Chengannur 6 Puliyur 7 Venmani 8 Pandalam Vadakkekara 9 Cherianadu and 10 Ala	Chengannur	
				6 Pathanamthitta	The Taluk of Pathanamthitta and the remaining portion of the Thiruvalla Taluk which is not included in the Thiruvalla and Chengannur Ranges, *viz.*, the following five Pakuthis:— 1 Koippuram 2 Thottapuzhacherri 3 Ayirur 4 Aranmula and 5 Mallapuzhacherri	Pathanamthitta	
5	Alleppey	The Taluk of Ambalapuzha	Alleppey	Ambalapuzha	The Taluk of Ambalapuzha	Alleppey	
6	Kottayam	The Taluks of—Changanacherry, Kottayam, Meenachil and Peermade with the exception of the Vandamettu Pakuthi, [Manjur and Kaduthurithi of Vaikam Taluk](*a*)	Kottayam	Changanacherry	The following fourteen Pakuthis of the Changnacherry Taluk— 1 Muttaru 2 Ramankari 3 Velianadu 4 Nilamperur 5 Chennankari 6 Kurichi 7 Vazhapalli Padinjarabhagam 8 Vazhapalli Kizhakkebhagam 9 Changanacherry	Changanacherry	

(*a*) Corrected by Govt. Notifn., R. Dis. No. 587, dated 10th April 1923.—*T. G. G., dated 1-5-1923, Pt. IV, Excise Dept., P. 569.*

Excise Divisions and Ranges.

Serial No.	Names of Divisions.	Local area of Divisions.	Head quarters of Divisions.	Names of Ranges comprised in the Divisions.	Local area of Ranges.	Head quarters of Ranges.	Remarks.
1	2	3	4	5	6	7	8
6	Kottayam. (*contd.*)	The Taluks of—Changanacherry, Kottayam, Meenachil and Peermade with the exception of the Vandamettu Pakuthi, Manjur and Kaduthuruthi of Vaikom Taluk. (*contd.*)	Kottayam (*contd.*)	1 Changanacherry (*contd.*)	10 Madapalli 11 Pudupalli 12 Nedumkunnam 13 Valur and 14 Vellavur	Changanacherry.	
				2 Kottayam	The following ten Pakuthis of the Kottayam Taluk— 1 Thiruvarppu 2 Kottayam 3 Nattagam 4 Panachikad 5 Vijayapuram 6 Pampadi 7 Akalakunnam 8 Aimanam 9 Kummanom and 10 Kumarakam	Kottayam	
				3 Ettumanur	The Pakuthis of— 1 Kodumalur 2 Perumbikadu 3 Kaipizha 4 Ettumanur and 5 Onamthuruthu of the Kottayam Taluk; The Pakuthis of— 1 Ilakad 2 Kidangur and 3 Kanakary of the Meenachil Taluk and the Pakuthis of 1 Manjur and 2 Kaduthuruthi of the Vaikom Taluk.	Ettumanur	
				4 Meenachil	Meenachil Taluk with the exception of the Pakuthis included in the Ettumanur Range *viz.*, the follow-gin eight Pakuthis:— 1 Meenachil 2 Ramapuram 3 Lalam 4 Bharananganam 5 Puliannur 6 Kondur 7 Uzhavur and 8 Poonjar	Pala	

Appendix I.

Serial No.	Names of Divisions.	Local area of Divisions.	Head quarters of Divisions.	Names of Ranges comprised in the Divisions.	Local area of Ranges.	Head quarters of Ranges.	Remarks.
1	2	3	4	5	6	7	8
6	Kottayam (*concld.*)	The Taluks of—Changanachery, Kottayam, Meenachil and Peermade with the exception of the Vandamettu Pakuthi, Manjur and Kaduthuruthi of Vaikom Taluk.—(*concld*)	Kottayam (*concld.*)	5 Peermade	The Peermade Taluk with the exception of the Vandamettu Pakuthi and the portion of the Changanacherry Taluk which is not included in the Changanacherry Range, *viz.*, the following five Pakuthis of Changanacherry— 1 Manimala. 2 Cheruvalli. 3 Chirakadavu. 4 Kanjirapalli North and 5 Kanjirapalli South.	Murdakayam	
7	Piravam	The Taluks of—Thodupuzha and Muvattupuzha and the Mulakulam Pakuthi and the Thonnalloor and Kalambur karas of the Vadayar Pakuthi in the Vaikom Taluk.	Piravom	1 Piravam	The Pakuthis of 1 Kuthattukulam 2 Thirumaradi 3 Piravam and 4 Ramamangalam of the Muvattupuzha Taluk and the Mulakulam Pakuthi and the Thonnalloor and Kalambur Karas of the Vadayar Pakuthi in the Vaikom Taluk.	Piravom	
				2 Muvattupuzha	The Thodupuzha Taluk and the remaining portion of the Muvattupuzha Taluk which is not included in the Piravom Range, *viz.*, the following eight Pakuthis :— 1 Muvattupuzha. 2 Arakkulam. 3 Enanalloor. 4 Varapatti. 5 Iramallur. 6 Mulavur. 7 Kothamangalam and 8 Kuttamangalam.	Muvattupuzha	

Excise Divisions and Ranges.

Serial No.	Names of Divisions.	Local area of Divisions.	Head quarters of Divisions.	Names of Ranges comprised in the Divisions.	Local area of Ranges.	Head quarters of Ranges.	Remarks.
1	2	3	4	5	6	7	8
8	Arukutty	The Shertallay Taluk and the Vaikom Taluk excepting the portions included in the Ettumanur and Piravom Ranges.	Arukutty	1 Shertallay	The Pakuthis of— 1 Kokothamangalam 2 Shertallay North 3 Do. South 4 Thannirmukkam South 5 Do North 6 Mararikulam North	Shertallay.	
				2 Veluthully	The Pakuthis of— 1 Arur 2 Thuravur North 3 Do. South 4 Vayalar East 5 Vayalar West 6 Thykattuseri 7 Pallipuram 8 Panavalli 9 Vaduthalamattathilbhagom	Veluthully.	
				3 Vaikom	The Pakuthis of :— 1 Vaikom 2 Naduvilemuri 3 Kulasekharamangalam 4 Vadakkemuri 5 Patinjaraikara 6 Manakunnam 7 Chembumuri 8 Maravanthuruthu 9 Vadayar 10 Thalayazham 11 Vetchoor	Vaikom.	
9	Alwaye	The Taluks of Kunnatnad and Parur.	Parur	1 Kunnatnad	The Pakuthis of:— 1 Vengoor 2 Cheranalloor 3 Perumbavoor 4 Vengola 5 Asamannoor 6 Rayamangalam 7 Mazhavannoor 8 Aikaranad 9 Semmanad 10 Kunnatnad 11 Kazhukambalam 12 Vazhakulom	Vallom.	

Appendix I.

Serial No.	Names of Divisions.	Local area of Divisions.	Head quarters of Divisions.	Names of Ranges comprised in the Divisions.	Local area of Ranges.	Head quarters of Ranges.	Remarks.
1	2	3	4	5	6	7	8
9	Alwaye (*concld.*)	The Taluks of Kunnatnad and Parur (*concld.*)	Parur	2 Alwaye	The Pakuthis of :— 1 Manickamangalam 2 Manjapra 3 Kothakulankara 4 Alwaye 5 Thrikkakara 6 Kadungalloor 7 Chengamanad 8 Parakadavu 9 Edapalli Vadakkumbhagom Do. Thekkumbhagom	Alwaye	
				3 Parur	The Pakuthis of :— 1 Varapuzha 2 Ezhikkara 3 Kottuvalli 4 Parur 5 Puthenvelikara 6 Vadakkekara 7 Puthenchira 8 Aiyroor 9 Alengad	Parur	
10	Devikulam	The Devikulam Taluk and the Vandamettu Pakuthi of the Peermade Taluk.	Devikulam.	1 Devikulam Southern Range.	The Vandamettu Pakuthi of the Peermade Taluk and the Udumbanshola Pakuthi and the Poopara Pakuthi with the exception of the Chinnakanal Thavalam in the Devikulam Taluk.	Thevaram.	
				2 Devikulam Northern Range.	The Devikulam Taluk with the exception of the portions included in the Devikulam Southern Range.	Munnar.	
11	Salt Factories	Thamarakulam, Rajakamangalom and Colachel Alloms, &c.	Thamarakulom				

The territorial limits of the several Ranges comprised in the Divisions of Arukutty (No. 8) and Alwaye (No. 9) were re-distributed and a new Range (Velathully) in the Shertallay Taluk was created by Government Notification dated 25th October 1924, with effect from 1st Chingom 1100.— *T. G. G., dated 4-11-1924, Pt. IV, Forest Dept., P. 40.*

27576

Regulations and Proclamations of Travancore

Vol. 3

pVII Table of Contents
p1 Regulation 1 of 1082-Extradition
p3 Regulation 2 of 1082-Charitable Endowments
p20 Regulation 3 of 1082-Steam-Boilers and Prime-Movers
p60 Regulation 4 of 1082-Amending the Code of Criminal Procedure
p64 Proclamation 1084-Special Court of Appeal
p65 Regulation 2 of 1084- Civil Courts
p82 Regulation 3 of 1084-Treasure Trove
p90 Regulation 5 of 1084-Arms
p155 Regulation 1 of 1085-Amending Regulation 3 of 1075
p155 Regulation 4 of 1085-Amending Regulation 3 of 1071
p157 Regulation 6 of 1085-Weights and Measures
p174 Regulation 7 of 1085-Amending the Code of Criminal Procedure
p175 Regulation 9 of 1085-Amending Regulation 2 of 1068
p180 Proclamation of 1085-Palliport Farm
p182 Proclamation of 1086-Tax on Coffee and Tea Estates
p183 Regulation 3 of 1086-British Coinage
p188 Rules and Notifications
p191 Regulation 4 of 1086-Cattle Trespass
p208 Regulation 1 of 1087-Tobacco
p260 Regulation 2 of 1087-Registration
p383 Regulation 3 of 1087-Revenue(Amending Regulation 1 of 1068)
p383 Regulation 4 of 1087-Stamp(Amending Regulation 4 of 1080)
p387 Regulation 5 of 1087-Travancore Breach of Contract(Amending Regulation 2 of 1080)
p387 Regulation 6 of 1087-Court Fees
p440 Rules and Notifications
p456 Proclamation of 1087-Silver Coins
p459 Regulation 9 of 1087-Rubber Thefts Prevention
p469 Proclamation of 1088-Transfer of Cases by Special Appellate Judge
p470 Regulation 3 of 1088-Salt
p470 Rules and Notifications
p555 Regulation 4 of 1088-Tolls Recovery
p560 Regulation 5 of 1088-Sea Customs
p644 Rules and Notifications
p652 Proclamation of 1088-Karanma Services
p653 Regulation 6 of 1088-Hindu Religious Endowments-(Amending Regulation 3 of 1079)
p654 Regulation 7 of 1088-Amending the Code of Criminal Procedure
p657 Regulation 1 of 1089-Amending the Penal Code
p658 Regulation 2 of 1089-Prevention of Cruelty to Animals(Amending Regulation 4 of 1079)
p658 Regulation 3 of 1089-Lepers(Amending Regulation 3 of 1077)
p659 Regulation 4 of 1089-Forest(Amending Regulation 2 of 1088)
p659 Regulation 5 of 1089-Factories
p701 Proclamation of 1088-Coinage and Mint
p706 Regulation 6 of 1089-Hackney Carriage
p731 Regulation 7 of 1089-Body Guard
p743 Regulation 8 of 1089-Lunacy(Amending Regulation 1 of 1080)
p744 Regulation 9 of 1089-Anchal
p808 Regulation 10 of 1089-Co-operative Societies
p827 Rules and Notifications
p839 Regulation 11 of 1089-Land Acquisition
p881 Regulation 12 of 1089-Game and Fish Protection
p889 Proclamation of 1089-Control of Naval or Military News
p891 Regulation 1 of 1090-Village Panchayat Courts
p923 Regulation 2 of 1090-Amending the Criminal Procedure Code
p924 Regulation 4 of 1090-Opium
p941 Rules and Notifications
p974 Proclamation of 1090-Criminal Intercourse with Enemies
p975 Regulation 6 of 1090-Irrigation(Amending Regulation 3 of 1072)
p976 Regulation 7 of 1090-Cattle Trespass(Amending Regulation 4 of 1086)
p976 Regulation 8 of 1090-Insolvency
p1056 Regulation 9 of 1090-Succession Certificate
p1070 Regulation 10 of 1090-Patents and Designs
p1139 Regulation 1 of 1091-Amending Regulation 3 of 1086
p1140 Regulation 2 of 1091-Land Customs
p1167 Regulation 3 of 1091-British Telegraph Protection
p1178 Proclamation of 1091-Kandukrishi Lands
p1179 Regulation 4 of 1091-Land Conservancy
p1204 Regulation 5 of 1091-Glanders and Farcy
p1212 Regulation 6 of 1091-Game and Fish Protection(Amending Regulation 12 of 1089)
p1213 Appendices